

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 985/2002

This the 15th day of April, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

R.K.Mirg S/O M.L.Mirg,
R/O 131, Punjabi Colony,
Narela, Delhi-110040.

... Applicant

(By Shri L.R.Luthra, Advocate)

-versus-

1. Union of India through
Secretary, Department of Revenue,
North Block, New Delhi.

2. Commissioner of Income Tax,
Delhi-IX, Charge,
C.R.Building,
New Delhi.

... Respondents

(By Shri Rajinder Nischal thr. Shri Harjit Singh, Adv.)

O R D E R (ORAL)

Heard.

2. Learned counsel of applicant stated that applicant joined as Inspector in Income Tax Department on 1.11.1989. He was placed under suspension w.e.f. 7.9.1994 as there was a criminal case pending against him. He was granted subsistence allowance at the rate of 50% of his pay for the first three months of suspension. The subsistence allowance was raised to 75% thereafter.

3. Vide Annexure A-6 dated 24/25.5.2001, respondents allowed applicant to draw annual increments which became due to him during suspension period. Vide Annexure A-7 dated 8.6.2001, applicant's basic pay on different dates was calculated after taking into account

M

the increments during the period of his suspension. His subsistence allowance was also fixed accordingly at the rate of 50% from 6.9.1994 to 6.12.1994 and at the rate of 75% from 7.12.1994 onwards. Learned counsel of applicant stated that without issuing any show cause notice and without passing any order, applicant's pay and subsistence allowance was restored to the lower rates as obtaining prior to 8.6.2001, when Annexure A-7 was issued. Applicant is stated to have made representations dated 1.10.2001 (Annexure A-8) and dated 17.1.2002 (Annexure A-9) which have remained undecided at the hands of respondents.

4. In my considered view, interest of justice will be duly served if respondents are called upon to decide applicant's aforesaid representations by passing a reasoned and speaking order within a stipulated period. Accordingly respondents are directed to dispose of applicant's representations at Annexures A-8 and A-9 by passing reasoned and speaking orders within a period of one month from the date of receipt of these orders. Copy of this OA be also sent to respondents by way of supplementary representation by applicant.

5. The OA is disposed of in the above terms.

V.K. Majotra
(V. K. Majotra)
Member (A)

/as/