

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1583/1999

New Delhi, this 13th day of November, 2000

Hon'ble Shri Kuldip Singh, Member(J)  
Hon'ble Shri M.P. Singh, Member(A)

Mahesh Chander Nagar  
310, Dariba Kalan  
Delhi

.. Applicant

(By applicant in person)

versus

1. Chief Commissioner of Income-Tax(Admn.)  
C.R. Building, New Delhi
2. Deputy Commissioner of Income-Tax(DDO)  
Range 13, New Delhi .. Respondents

(By Shri R.S.Aggarwal, Advocate, not present)

ORDER(oral)

By Shri Kuldip Singh

Heard the applicant who appeared in person. The short point in this OA is to calculate the subsistence allowance of the applicant after including the annual increments since the date of suspension till date and to pay him arrears thereof alongwith interest and also release the DA which was withheld after implementation of the recommendations of the Pay Commission.

2. We find from the file that none has been appearing on behalf of the respondents though notice has been served on them. Today also none appeared for the respondents.

3. Applicant is placing reliance on the judgement of Hyderabad Bench of this Tribunal in U. Ganga Raju Vs. DRM, SC Railway, Vijayawada (1993) 23 ATC 543 in support of his claim wherein the Tribunal has held as under:

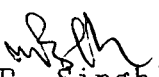
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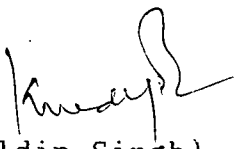
(7)

"...the real effect of an order of suspension is that though the government servant continues to be a member of the service, he is not permitted to work and is paid only the subsistence allowance which is less than his salary. So, that being the position and in view of FR 53 extracted above and the clarification referred to under FR 26, in my opinion would be fit and proper to the employer to sanction increment due to his servant during suspension period purely for the purpose of calculating subsistence allowance and payment of subsistence allowance unless the increment that falls due during the suspension period is withheld by an order of a competent authority"

4. The Hyderabad Bench in the aforesaid case directed the respondents to sanction the increments that became due to the applicant for the suspension period and on that basis to pay the arrears of subsistence allowance after deducting the subsistence allowance that had already been paid to him for the suspension period.

5. In view of the above position we feel that there is no reason for us to disagree with the aforesaid decision. The OA is allowed. We direct the respondents to sanction increments which have become due to the applicant and recalculate the subsistence allowance accordingly. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs.

  
(M.P. Singh)  
Member(A)

  
(Kuldip Singh)  
Member(J)

/gtv/