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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1463/98

New Delhi on the 8th day of September, 1998.

HON'BLE MR. N. SAHU, MEMBER (A)
HON'BLE DR. A. VEDAVALI, MEMBER (J)

Bishan Kumar Bhardwaj,
Drawing Teacher (under suspension),
GBSS School Ghitorni,
New Delhi.

...Applicant

(By Advocate Shri S.P. Sharma)

-VERSUS-

1. The Govt. of N.C.T. of Delhi
through Chief Secretary,
Directorate of Education,
Establishment IV Branch,
Old Sectt.
Delhi-110054.

2. Deputy Director of Education,
District South-West,
C-4, Vasant Vihar,
New Delhi.

3. The Principal,
G.B.S.S. School, Ghitorni,
New Delhi.

...Respondents

(By Advocate - None)

ORDER (ORAL)

HON'BLE MR. N. SAHU, MEMBER (A):

Heard Shri S.P. Sharma, learned counsel for the applicant. The applicant prays in this OA for revision of his pay scale w.e.f. 1.4.96 and consequently increase the subsistence allowance w.e.f. 1.12.96. For this purpose he filed a representation dated 23.10.97 (Annexure A), addressed to the Deputy Director of Education, District South-West, C-4 Vasant Vihar, New Delhi, who is impleaded as respondent No.2. The applicant cites Ministry of Finance OM No.F.2(36)Ests.III/58 dated 27.8.1958 wherein a Government servant under suspension has been given an option to elect to the revised scale of pay which might be introduced in respect of the post held by him immediately prior to the suspension.

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Accordingly the Government servant should be allowed to exercise his option under F.R. 23. After he does so, he would be entitled to the benefit of increase in pay, in respect of the duty period before suspension and also in the subsistence allowance. This representation has not been disposed of so far. This is a simple matter which is already governed by the rules. We hereby direct respondent No.2 to dispose of the said representation within a period of three weeks from the date of receipt of a copy of this order. We accordingly dispose of the OA. If advised, and if he is not satisfied with the order, the applicant is at liberty to approach the Tribunal again with a fresh OA.

A. Vedavalli

(DR. A. VEDAVALLI)
MEMBER (J)

N. Sahu

(N. SAHU)
MEMBER (A)

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