

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No. 1595/95

Date of decision 15.9.95

Hon'ble Shri N.V.Krishnan, Acting Chairman
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri V.P.Madan,
Computer,
Army Head quarters,
Directorate of Management
& Information Systems, Ministry of Defence,
New Delhi.

(By Advocate Shri A.K.Bhardwaj)... Applicant

Vs.

1. Union of India
through
The Secretary, Ministry of Defence,
Central Secretariate,
South Block, New Delhi
2. The Joint Secretary,
Ministry of Defence, South Block,
Central Secretariate, New Delhi
3. The Chief Administrative Officer,
Ministry of Defence, D.H.Q.P.O. New Delhi.

....Respondents

ORDER (ORAL)

(Hon'ble Shri N.V.Krishnan, Acting Chairman)

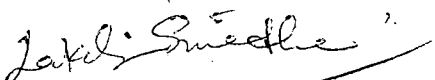
We have heard him. The grievance of the applicant is against the orders dated 19-4-1995 and dated 15-5-1995 (Annexure A-1) by which the respondents decided not to pay subsistence allowance for the period to the applicant of deemed suspension referred to therein. When Contempt petition was filed earlier, attention was drawn to this order by the respondents in their reply thereto. It is seen that during the Contempt proceedings, the ^{Tribunal} directed the respondents to hold an enquiry as to whether the petitioner was, during the said period, gainfully employed and then to take decision in respect of subsistence allowance. Accordingly an order was passed by the respondents on 15.5.1995

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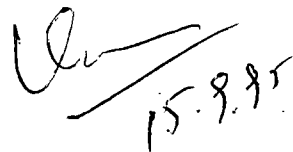
(9)

which is also impugned in these proceedings. The grievance of the applicant is in respect of non-payment of subsistence allowance by these orders. These orders are appealable as seen from Rule 23 of the CCS(CCA) Rules, 1972. In the circumstances, the learned counsel for the applicant seeks permission to withdraw this O.A. with permission to pursue the remedy of appeal.

2. In the circumstances, permission sought for is granted on the above terms. The appeal shall be filed within three weeks from the date of receipt of this order. In case such an appeal is filed, the appellate authority shall consider the appeal without raising the question of limitation.



(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)



(N.V. KRISHNAN)
ACTING CHAIRMAN

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