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Central Administrative Tribunal, Principal Bench

O.A.No.1969/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 7th day of April, 1997

K.K.Kamra
retd. UDC
r/o F 4/170-171
Rohini
Delhi - 85.Applicant

(None for the applicant)

Vs.

The Director
Directorate of Health Services
Delhi Administration
E-Block, Saraswati Bhawan
New Delhi.

State of Delhi
(NCT of Delhi)
through Secretary, Health
Medical Secretary
5, Shyam Nath Marg
Delhi. Respondents

(By Shri Rajinder Pandita, Advocate)

O R D E R(Oral)

The applicant while working as UDC in the Office of the Respondent No.1 was placed under suspension on account of his involvement ~~in~~ arrest in a criminal case vide order dated 17.9.1987. Subsistence allowance was sanctioned w.e.f. 11.9.1987, initially 50% which was enhanced by 25% of original subsistence allowance on 12.2.1988. The applicant submits that he made various representations for his reinstatement but no attention was paid. The applicant was retired on 31.5.1995. However, he alleges that his balance arrears of subsistence allowance, Dearness Allowance, Leave Encashment, Bonus, Revision of Pay scale, etc. have not been paid. He seeks a direction that the respondents be directed to make all the aforesaid payments along with interest.

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2. The respondents in their reply have taken a preliminary objection, namely, that the necessary party i.e. Chief Secretary, Delhi has not been impleaded and further that the applicant has not utilised the opportunity of making a representation for obtaining the reliefs from the respondents.

3. Today none appeared for the applicant. I however, heard the learned counsel for the respondents. I find that NCT of Delhi is Respondent No.2 through its Medical Secretary. ~~In~~ ^{Therefore} ~~in~~ ⁱⁿ ~~franchise~~ the preliminary objection regarding non-~~re~~joinder of necessary party is not correct. As regards the second objection, the applicant states in his OA that he made personal visits and made numerous representations including dated 15.11.1987 and 26.11.1987 for subsistence allowance and 8.9.1988 for the revocation of the suspension order. It appears that all the representations that he had made ^{were} for grant of subsistence allowance and for revocation of his suspension order. He himself states that he had been given subsistence allowance from the due date initially 50% which was later enhanced by 25%. The question of revocation of suspension order and his reinstatement is dependent on the outcome of the criminal proceedings against him. According to the learned counsel for the respondents, applicant has already been granted provisional pension and he has received the same along with arrears. As regards the other reliefs sought for by the applicant, namely, grant of dearness allowance, leave encashment, payment of bonus, etc. the applicant should make a representation within one month from the date of receipt of a copy of this order. The respondents are directed to dispose of such representation, if they receive it within two months from the date of receipt of such

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re, presentation with a speaking order. In case the applicant is not satisfied with such order and the action taken by the respondents, he can approach this Tribunal for relief in accordance with law. OA is disposed of with the above directions. No costs.

R.K.Ahmed -
(R.K.AHMED)
MEMBER(A)

/rao/