

2

Central Administrative Tribunal

Principal Bench: New Delhi.

...

OA No. 1813/97

New Delhi, this the 6th day of Aug., 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri K. Muthukumar, Member (A)

Sh. Sulekh Chand Sharma  
s/o Sh. Har Swarup Sharma,  
C/o Sh. Sant Lal Advocate,  
C-21(B) New Multan Nagar,  
Delhi. ....applicant

(By Advocate: Shri Sant Lal)

-versus-

Union of India through

1. Secretary,  
Ministry of Communication,  
Deptt. of Posts,  
Dak Bhawan, New Delhi.
2. The Director Postal Services,  
Delhi Circle,  
Meghdoot Bhawan, New Delhi.
3. The Senior Superintendent of Police Offices,  
South East Division,  
Golf Link, New Delhi. ....respondents

(By Advocate: None)

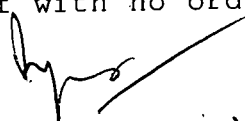
O R D E R (ORAL)

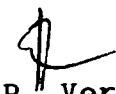
(Dr. Jose P. Verghese, Vice-Chairman (J))

The petitioner is challenging the suspension order on the ground that two years have lapsed, criminal court has not yet proceeded with his case. We are unable to interfere in this case on that ground. Petitioner also complains that the subsistence allowance after review under FR 53 has not been increased. The respondents are directed to pass appropriate orders under FR 53 within four weeks from the date of receipt of a copy of this order.

Learned counsel for the petitioner submits that under FR 53 there is an obligation cast upon the respondents to review the suspension order periodically in accordance with rules and either increase or decrease the subsistence allowance. The allegation is that after review in accordance with the rules, respondents in the present case has maintained the subsistence allowance which is illegal. We are afraid <sup>that we cannot</sup> ~~to~~ interfere in the exercise of discretionary power already exercised by the respondents under FR 53. It is made clear that our order shall not preclude the respondents to review the order further and pass appropriate orders in favour of the petitioner.

With these observations, this OA is disposed of with no order as to costs.

  
(K. Muthukumar)  
Member (A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)

na