

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2467/97

New Delhi this the 4th day of March, 1998.

Hon'ble Shri S.R. Adige, Vice Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Anup Singh Dahiya
S/O Sh.M.S. Dahiya,
resident of 307, L.I.G. Flats, Hastal,
Uttam Nagar, New Delhi.

(By Advocate Mrs. Meera Chhibber)

...Applicant

Vs

1. Govt. of National Capital Territory of Delhi
Through its Chief Secretary,
Sham Nath Marg, Delhi.

2. Commissioner Transport,
Govt. of NCT of Delhi,
5/9, Under Hill Road, Rajpur Road,
Delhi.

...Respondents

(By Advocate Sh. Rajinder Pandita)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman(A))

Applicant impugns the respondents order dated 23.8.95
(Annexure A-1) placing him under suspension, consequent
to contemplation of a disciplinary proceeding against
him.

2. We have heard applicant's counsel Mrs Chhibber
and respondents counsel Shri Rajinder Pandita.

3. We are informed that despite issue of aforesaid
suspension order dated 23.8.95, no charge sheet in the
disciplinary proceedings have yet been served on the applicant
but admittedly a charge ^{sheet} in a criminal case has been instituted
against him.

4. Mrs. Chhibber contends that despite passage of two
years, applicant's case for review of the suspension order, and

2

For enhancement of his subsistence allowance has not been conducted by the respondents.

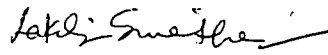
5. Shri Pandita contends that review was conducted and he has invited our attention to paragraph 1 of the respondents reply wherein it has been stated that the request for enhancement of subsistence allowance was not acceded to till date owing to the seriousness of the case. However, the date on which the suspension was reviewed has not been communicated by Shri Pandita nor is available in the respondents reply.

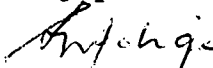
6. In this connection, further we find from the respondents reply to paras 4(vii) and 4(viii) that they state that the enhancement of applicant's subsistence allowance is under consideration before the competent authority.

7. In this connection, we have perused the contents of paragraph 13 of Chapter 1 contained in Swamy's Compilation on Suspension and Reinstatement, wherein it has been stated that the case of suspension to be reviewed from time to time, and first review to be undertaken at the end of three months from the date of his suspension. It is further stated therein that such review gives the concerned authority an opportunity to review not merely the subsistence allowance, but also the subsistence question of suspension itself.

8. Accordingly we dispose of this OA with a direction to the respondents to review the applicant's suspension contained in the order dated 23.8.95 within one month from today, after proper application of mind, and in accordance with rules and instructions including FR 53, under intimation to the applicant.

9. OA stands disposed of accordingly. No costs.


(Smt. Lakshmi Swaminathan)
Member(J)


(S.R. Adige)
Vice Chairman(A)