

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2999/97

New Delhi this the 7th day of August, 1998.

Hon'ble Mr. N. Sahu, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Ajay Sehgal,
I.F.S.,
A-27, Moonlight Apartments,
70 I.P. Extn. (Behind Patparganj Bus Depot)
Delhi-110092.

...Applicant

(By Advocate Shri Suryakant Singla)

-Versus-

1. Union of India through the Secretary, Ministry of Environment and Forests, Department of Forests, C.G.O. Complex, Lodhi Road, New Delhi.
2. Principal Secretary (Forest), Uttar Pradesh, Van Anubhag-I, Lucknow (U.P.)
3. Principal Chief Conservator of Forests, Uttar Pradesh, Lucknow (U.P.) ...Respondents

(Respondent No.1 - By Advocate Shri V.S.R. Krishna)

(Respondents No. 2 & 3 By Advocates Shri R.C. Verma and Shri Chatanya Sidharth).

O R D E R (ORAL)

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

This O.A. was filed on 24.12.97. A short reply was filed by respondents No.2 and 3 and at the court's instance Shri V.S.R. Krishna has taken up this case on behalf of respondent No.1. The grievance in this O.A. is directed against the suspension order dated 28.8.97 (Annexure A-1). We also note that a representation dated 29.9.97 has been filed before the Chief Principal Secretary (Forest), Government of Uttar Pradesh (Annexure A-6) for revoking the suspension order. We are also informed that the applicant has by a petition dated 9.12.97 addressed an appeal against the order

of suspension to the Government of India, Ministry of Environment and Forests dated 9.12.97. This appeal is statutory under Rule 15 of the All India Services (Discipline & Appeal) Rules, 1969. It will not be proper on the part of this Court to consider this O.A. before the applicant exhausts the alternative statutory remedy available to him. While the applicant sent the representation on 9.12.97, he filed this O.A. on 24.12.97; he has precluded the competent authority from disposing of his appeal. Under these circumstances, we direct respondent No.1, Secretary, Ministry of Environment and Forests, who has been impleaded in this case, to dispose of the representation within a period of 8 weeks from the date of receipt of a copy of this order. We also direct respondent No.2 and respondent No.3, through whom this representation has been sent to facilitate disposal of the appeal by respondent No.1 by supplying all the relevant materials expeditiously.

2. After hearing the learned counsel for the applicant we would like to point out that the appellate authority, respondent No.1, should examine the correctness of the suspension order in the light of the 'Guiding Principles' laid down by Government and also guidelines laid down as to when suspension should be resorted to.

3. The learned counsel for the applicant states that although specifically he has not claimed the subsistence allowance as a relief, he has claimed for a direction to respondent No.2 and 3 to release arrears of salary of the applicant alongwith interest. We would, however, observe that payment of subsistence allowance is a statutory duty cast on respondents No.2 and 3 to any suspended official provided

certain formalities are complied with. For this purpose, we direct that a representation shall be made and filed by the applicant on or before 11.8.98 before respondent No.2, praying for statutory subsistence allowance. Respondent No.2 shall consider and pass orders on or before 18.8.98 on the claim of subsistence allowance and shall consider payment of all the arrears on or before 31.8.98.

(5)

4. With these directions the O.A. is disposed of. The applicant is at liberty to approach this Tribunal again, if advised, after the disposal of the appeal by respondent No.1. No costs.

A copy of this order be supplied to Shri Suryakant Singla, learned counsel for the applicant, Shri V.S.R. Krishna, learned counsel for respondent No.1 and Shri R.C. Verma, learned counsel for respondents 2 and 3 by 3.00 p.m. today.

A. Vedavalli

(DR. A. VEDAVALLI)
MEMBER (J)

N. Sahu
(N. SAHU)
MEMBER (A)

'Sanju'