

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 1043/97

New Delhi, this, the 14th day of August, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)

In the matter of:

Krishan Singh Rathi  
S/o Shri Baig Raj,  
R/o Plot No. 43, Raj Pur Khurd,  
Mehrauli,  
New Delhi.  
(None)

.... Applicant

Vs.

1. Govt. of N.C.T. of Delhi  
through Secretary,  
Ministry of Industries,  
Old Secretariat,  
Ali Pur Road, New Delhi.
2. The Lt. Governor of Delhi,  
Raj Niwas Marg,  
Delhi - 110054.
3. The Commissioner of Industries,  
Govt. of N.C.T. of Delhi,  
C.P.O. Building,  
Kashmere Gate,  
Delhi.

.... Respondents.

(By Advocate: Sh. Bimal Roy Jod proxy for  
Sh. H.L. Jod)

O R D E R (ORAL)

delivered by Hon'ble Shri T.N. Bhat, Member (J)

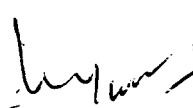
Arguments in part were heard in this case on 15.5.98 when it was pointed out to the learned counsel for the applicant that in view of a recent judgment delivered by the Full Bench of the Tribunal the claim of the applicant in this OA cannot be allowed. The learned proxy counsel for the respondents also relies upon that judgment, which is reported in (1997) 2 ATC 295 and (1997) 36 ATC.

*[Signature]*  
14.8.98

402. wherein it is held that on the revision of pay scales the subsistence allowance does not require to be correspondingly increased.

2. In the instant OA that precisely is the claim of the applicant. His contention is that on the revision of the pay scales in pursuance to the recommendations of the IVth Pay Commission the respondents ought to have increased the subsistence allowance in conformity with the revised pay scales. The applicant in the instant OA was placed under suspension on 2.3.81 and continues to be so even now. The ground of his suspension was that a criminal case had been filed against him which is still pending. The Full Bench has in its judgment in *Namdev Sitaram Vs Union of India* reported in (1997) 36 ATC 402 held that there is no provision either in Fundamental Rules 53 or in the revised pay rules according to which subsistence allowance is required to be revised in accordance with the revised pay scale introduced on 1.1.86 in pursuance to the recommendations of the IVth Pay Commission.

3. In view of the above, the applicant's claim in this OA is found to be devoid on merit. The OA is accordingly dismissed but without order as to costs.

  
( T. N. BHAT )  
Member (J)

14.8.98