

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No.965/1994

New Delhi, dated the 27th Jan., 1995

CORAM

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

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Chhiddi

s/o Shri Munshi

Token No. 1009, working as

Halwai at Railway Diesel Shed

Canteen resident of Near Pul Pehlampur

Masjid Badarpur, New Delhi

... Applicant

(By Advocate Shri Yogesh Sharma,
proxy counsel for Shri R.N. Sharma)

V/s

1. Union of India through Secretary
Ministry of Railways, Rail Bhawan,
New Delhi

2. Genl. Manager, Northern Railway,
Baroda House, New Delhi

3. Divisional Manager (Railways) D.R.M.
Delhi Division, Connaught Place,
New Delhi

4. Sh. Rajiv Mahajan, D.M.E. Diesel Shed,
Tughlakabad,
New Delhi

... Respondents

(By Advocate Shri Shyam Meorjani)

JUDGMENT (ORAL)

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

In this application, Shri Chhiddi,
Halwai, Diesel Shed Canteen, Tughlakabad, New Delhi
has impugned the order of suspension dated 1.7.1992
and has sought a direction to the respondents that
he be taken back on duty. He has also sought for
arrears of subsistence allowance w.e.f. 1.10.1992 till
the finalisation of the proceedings.

10

2. Shortly stated, the applicant appears to have been arrested in criminal case No.18/92 u/sec.3 of Railway Property Unlawful Possession Act and was placed under suspension w.e.f. 1.7.1992. That criminal case is still pending, and under the circumstances no question of revocation of the suspension order arise at this stage, more particularly as the charge sheet has been submitted on 24.7.1992.

3. In so far as the prayer for arrears of subsistence allowance w.e.f. 1.10.1992 is concerned, from the submission made by the applicant's counsel, Shri Yogesh Sharma and respondent's counsel Shri Moorjani, it appears that consequent to the applicant being under suspension, he was granted subsistence allowance at the rate of 50% of his pay from the date of suspension, till 5-5-1994, After which it has been enhanced to 75% of his pay, in accordance with Indian Railway Establishment Manual (Vol.2) Rule 2034 and FR 93. During arguments, applicant's counsel Shri Sharma urged that enhancement of subsistence allowance from 50% to 75% should have been made immediately after six months elapsed from the date of suspension, and as the respondents have not done so, ^{the balance} the Tribunal should direct them to pay ^{but} the ~~25%~~ ^{25%} ~~balance~~ (75% - 50%) from that date, ^{no} ~~no~~ rule/authorities has been cited on the basis of which

Tribunal can give such direction to the respondents to make such payments from a retrospective date,



and under the circumstances we are unable to accede
this prayer, as urged by Shri Sharma.

4. In the result, this application ~~is~~
fails and ^{is} accordingly dismissed. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member(J)

S.R. Adiga
(S.R. Adiga)
Member(A)

○ m

○