

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

O.A. No. 965/1994

Now Delhi, dated the 27th Jan., 1995

(9)

CORAM

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

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

Shri Chhiddi  
o/o Shri Runshi  
Token No. 1009, working as  
Halwai at Railway Diesel Shed  
Canteen resident of Near Pul Pehlajpur  
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, Canaught Place,  
New Delhi

4. Sh. Rajiv Mehta, D.R.E. Diesel Shed,  
Tughalkabad,  
New Delhi

... Respondents

(By Advocate Shri Shyam Moorjani )

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 u.o.p. 1.10.1992 till  
the finalisation of the proceedings.

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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 arises 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 submissions 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 far, the Tribunal should direct them to pay them ~~the balance in~~ but ~~25%~~ ~~( 75% - 50% )~~ from that date, no rule/authorities has been cited on the basis of which

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

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

4. In the result, this application   
fails and <sup>is</sup> accordingly dismissed. No costs.

*Lakshmi Srinivasan*  
(Lakshmi Swaminathan)  
Member (J)

*Aruligum*  
(S. R. Adige)  
Member (A)