

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1116/2000

New Delhi this the 14th day of July, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Lokesh Kumar Shukla,
Programme Executive (Under Suspension),
S/o Shri Brij Bhushan Shukla,
R/o Block-C, 3/4 Radio Colony,
Sheed Nagar, Agra (UP)

(By Advocate: Shri D.N. Sharma) ..Applicant

Versus

1. Union of India,
(through the Secretary to the
Govt. of India), Ministry of I&B,
Parsar Bharti Board, Shastri Bhawan,
New Delhi.
2. The Director General,
All India Radio/Parsar Bharti,
Akashwani Bhawan, Parliament Street,
New Delhi.
3. The Station Director,
All India Radio/Parsar Bharti,
Agra (UP).

(By Advocate: Shri M.K. Bhardwaj) ..Respondents

ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

The applicant holds the post of Programme Executive (General Central Service Group 'B' Gazetted) at All India Radio, Agra. He was placed under suspension w.e.f. 16.4.1998 after his detention exceeding 48 hours vide order dated 15.5.98 Annexure A-2. Vide Order No. 6/19/98-Vig dated Nil Annexure ^{he was b} A-3 sanctioned subsistence allowance equal to half of amount of his leave salary on the basis of pay which he was in receipt of, on the date of suspension. The Disciplinary Authority effect^{ed} review of suspension of the applicant on 2.9.99, ordering maintainance of

status-quo in regard to quantum of subsistence allowance Annexure A-4. The applicant has sought the following reliefs:-

- a) That rate of subsistence allowance be determined as per the revised pay scale and arrears of pay and subsistence allowance be paid from the date of implementation of pay commission's recommendations and date of suspension of the applicant, retrospectively.
- b) That the amount of subsistence allowance was to be enhanced as a result of First Review in consideration of the fact that prolonging of suspension period was not directly attributed to the applicant.
- c) That subsistence allowance for December, 1999 and January, 2000 has not been paid to the applicant till date. The same be ordered to be paid with interest for delayed payment at the market rate of 18%.
- d) The suspension period has been unduly prolonged beyond two years. The progress of case in the trial court of no satisfaction, the case may further take unspecified time. Under these circumstances the revocation of suspension of applicant may kindly be re-considered in the public interest as well as relief to the delinquent employee.
- e) And to kindly pass such other and further orders to safe-guard the interests of justice".

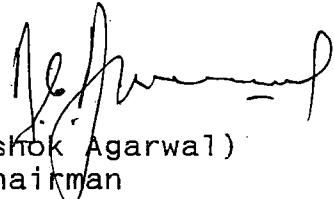
2. The respondents have today filed copies of two orders passed on 11.7.2000 by Station Director, Prasar Bharti Akashwani, Agra Respondent No. 3 herein. Vide one order, it has been stated that applicant's pay fixation has been made from the date of implementation of pay commission's recommendations. Office order to this effect passed on 28.6.2000 fixing applicant's basic pay as on 1.1.96 at Rs. 7500/-, as on 1.5.96 at Rs. 7750/- and as on 1.5.97 at Rs. 8,000/-. The next

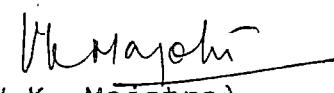
Wb

date of increment has been fixed as 1.5.98. In the second order dated 11.7.2000, the respondents have stated that applicant has been paid pay for December, 1999 and January, 2000 and also that applicant has been paid the arrears as per the revised pay scales and nothing is due to be paid to him.

3. The applicant was suspended on 16.4.98 and the first review of the suspension was effected on 2.9.99. Learned counsel of respondents has made a statement at the bar that the second review has also been conducted on 13.3.2000 revising applicant's subsistence allowance to 75% of the revised pay.

4. In view of the action of the respondents as stated above, nothing survives in the OA as reliefs sought by the applicant have already been granted. The OA is accordingly disposed of with liberty. No order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (A)

CC.