

Central Administrative Tribunal
Principal Bench

O.A. No. 2251 of 2000

New Delhi, dated this the 23rd November, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Puneet Gangal,
S/o Shri Vishnu Swarup Gangal,
181, Ayoodhya Marg,
Pratap Nagar,
Vaishali,
Jaipur-302021. .. Applicant

(Applicant in person)

Versus

1. Union of India through
the Secretary,
Dept. of Revenue,
Ministry of Finance,
North Block, New Delhi-110001.
2. Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi-110001. .. Respondents

(By Advocate: Shri V.P. Uppal)

ORDER (Oral)

S.R. ADIGE, VC (A)

Heard both sides.

2. Applicant impugns respondents' order dated 25.5.2000 issued under FR 53 rejecting his prayer for enhancement of subsistence allowance from 50% of pay to 75% of pay, on the ground that the delay in finalisation of departmental proceedings are attributable to applicant, because the criminal case instituted by the Customs authority against applicant had to be adjourned 18 times from 12.5.94 onwards and no hearing took place because of non-appearance of applicant in that criminal case. .

2. We have heard applicant in person and Respondents' counsel Shri Uppal.

3. Shri Uppal has stated that the aforesaid order dated 25.5.2000 was prepared after receiving information from the Customs authorities that the criminal case instituted by them had to be adjourned as many as 18 times from 12.5.94 and no hearing took place because of non-appearance of applicant and this delayed the finalisation of the disciplinary proceedings against applicant, and hence the period of suspension was prolonged for reasons directly attributable to applicant.

4. Applicant Shri Gangal has, however, stoutly denied the aforesaid contention and argued that the prolongation of the suspension was not directly attributable to him. In this connection he invites our attention to summons issued by the Judicial Magistrate, Chennai dated 28.6.2000 (Annexure P-4), and states that the aforesaid Court had not issued any summons to him in the criminal case before that date.

5. As all the records relating to the criminal case instituted by the Customs authorities against applicant in the Chennai Court are not presently available with us, it is not possible for us to determine conclusively whether the first summon

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in that criminal case instituted in the Chennai Court was issued only on 28.6.2000 and whether applicant had been issued summons in that criminal case even prior to that date.

6. However, we hold that applicant's claim for enhancement of subsistence allowance deserves reconsideration by respondents and we dispose of this O.A. with a direction that in the event applicant files a self-contained representation supported by such materials as are available with him within six weeks from today that the delay in the prolongation of disciplinary case ~~is~~ ^{was} not directly attributable to ~~applicant~~ ^{him}, Respondents should examine ~~the~~ that representation with sympathy, but in accordance with rules and instructions and pass a speaking order thereon within two months from the date of receipt of a copy of such representation. No costs.



(Dr. A. Vedavalli)
Member (J)

karthik


(S.R. Adige)
Vice Chairman (A)