



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/136/2020

Thursday, this the 2nd day of July, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Tosick Hussain, age 33 years
S/o Shri Ghulam Rasool,
R/o Bibhrota, Tehsil Rajgarh,
District Ramban, Group D

...Applicant

(Through Mr. Rakesh Sharma, Advocate)

Versus

1. Union Territory of Jammu and Kashmir
Through Commissioner/Secretary
Urban Local Bodies Department,
Govt. of J&K, Civil Secretariat,
Jammu/Srinagar
2. Director Urban Local Bodies,
Panama Chowk, Jammu
3. Executive Officer Municipal Committee
Batote

...Respondents

(Through Mr. Rajesh Thapa, Deputy Advocate General)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Heard Mr. Rakesh Sharma, learned counsel for the applicant and
Mr. Rajesh Thapa, DAG for the respondents.

2. Mr. Tosick Hussain son of Shri Ghulam Rasool has filed this OA on
30.06.2020 seeking direction to the respondents to release to him

subsistence allowance at the rate of 75% of monthly salary from March 2019 to January 2020.

3. The applicant has stated that after his appointment vide order dated 26.09.2016 of Director Urban Local Bodies, Jammu, he has been working as Driver in Municipal Committee, Batote. Because of an FIR registered against him with the police station Miran Sahib, he was suspended on 27.08.2018 and 50% subsistence allowance was released by order dated 07.03.2019. Thereafter, the applicant requested by an application dated 12.09.2019 to release to him subsistence allowance at the rate of 75%. By an order of Director Urban Local Bodies dated 24.01.2020 (Anneuxre A-5), sanction was issued for grant of subsistence allowance @ 75% to him but from March 2019 to January 2020, he has not been paid subsistence allowance at the rate of 75%. In this regard, he has submitted a representation to the Director Urban Local Bodies dated 29.02.2020, on which no action has been taken.

4. Learned counsel for the applicant submits that the applicant would be satisfied if this OA is disposed of with a direction to the respondents to consider his case for payment of subsistence allowance @ 75% of salary from March 2019 to January 2020. The respondents' counsel has no objection to such disposal of the OA.

5. Therefore, we dispose of this OA with direction to respondents 2 and 3 to consider the representation of the applicant dated 29.02.2020 and decide it within three weeks from the date of receipt of a copy of this order by passing a reasoned and speaking order, under intimation to the applicant. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

/dkm/