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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.1822/2004

Monday, this the 13<sup>th</sup> day of September 2004

Hon'ble Shri S. K. Naik, Member (A)

S. K. Karoda  
S/o Shri Karoda Paidithalli  
R/o 390-A, Chirag Delhi  
New Delhi-17

Applicant

(By Advocate: Shri Kumar Parimal)

Versus

1. Union of India  
through the Secretary  
Department of Scientific & Industrial Research  
Anusandhan Bhawan  
CSIR Building, Rafi Marg  
New Delhi-1
2. Shri Gurmit Singh  
Under Secretary  
Department of Scientific & Industrial Research  
Technology Bhawan  
New Mehrauli Road  
New Delhi-16
3. Shri Pradeep Kumar  
Under Secretary  
Department of Scientific & Industrial Research  
Technology Bhawan  
New Mehrauli Road  
New Delhi-16

Respondents

(By Advocate: Shri Rajeev Bansal for Shri N.S.Mehta)

ORDER (ORAL)

Heard the learned counsel for the parties. Learned proxy counsel for respondents has submitted that vide order dated 8.9.2004 (copy placed on record), the respondents-department has since increased the subsistence allowance to the applicant by 50% of the amount admissible during the first three months of the suspension w.e.f. 3.6.2004 and until further orders. Learned proxy counsel for applicant has been given a copy of the said order, who also admits that the same has been allowed to the applicant. He, however, submits that arrear, etc. have not been paid to him as yet, to which

(2)

learned proxy counsel for respondents states that the respondents-department will soon make the payment thereto.

2. Learned counsel for applicant, however, states that since he had challenged the order dated 13.7.2004, the respondents could not have issued the order dated 8.9.2004 stating therein that it was issued in continuation thereto, <sup>Instead it should have been issued in suspension thereof.</sup>

3. I have considered the matter and find that the applicant in his OA has sought for quashing and setting aside of order dated 13.7.2004 passed by respondent No.2. While I find that the respondents ought to have, on their own, enhanced the subsistence allowance of the applicant to 75% of his average pay after he completed a period of three months of suspension, they had enhanced the period for another three months by the impugned order, which is not tenable. However, the learned counsel for applicant fairly concedes that the relief desired out of the OA has since been given by the respondents vide their order dated 8.9.2004 and, therefore, the OA has become infructuous.

dismissed/ <sup>7</sup> Ja

4. Accordingly, the OA is disposed of as infructuous.

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Ja  
( S. K. Naik )  
Member (A)

/sunil/