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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 1225/93

New Delhi, this the 10th day of March, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)  
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Shri Izhar Ahmed

S/o Amir Ahmed

Constable No. 2221/DAP

Qr. No. 16-I, Civil Lines,

Delhi.

..... Applicant

(By Advocate: None)

Vs.

1. Delhi Administration  
through its Chief Secretary  
Old Secretariat,  
Delhi.

2. Commissioner of Police  
Police Headquarters,  
Indraprastha Estate,  
New Delhi-110002.

..... Respondents

(By Advocate: Sh. Raj Singh)

O R D E R (ORAL)

delivered by Hon'ble Shri T.N. Bhat, Member (J)

Applicant continues to be absent. He was absent on the previous date of hearing as well. This is an old matter, having been filed in the year 1993. Sufficient opportunity has been granted to the applicant to appear and make his submissions. Since he has not chosen to appear we have heard Sh. Raj Singh, counsel for the respondents. We have also perused the material on record.

2. The applicant has in this OA assailed the order dated 10.9.87 passed by the Dy. Commissioner of Police, III Bn. of Delhi Armed Police by which the period of absence of the applicant during his suspension for 302 days 3 hours 11 minutes has been treated as leave without pay.

*[Signature]*  
10.3.99.

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3. It is not disputed that after holding a regular departmental enquiry the applicant was dismissed from service. The charge against him was that he had remained absent unauthorisably. During the departmental enquiry the applicant was placed under suspension. According to the rules he was required to present himself even during the period of suspension at the time of roll call etc. and was not supposed to leave the headquarters. Since the applicant absented himself during the period of suspension the respondents have treated those days of absence also as leave without pay.

4. We do not find any illegality or even inpropriety in the impugned order nor has the applicant chosen to given any grounds in the OA on the basis of which he seeks the relief of quashment of the impugned order.


5. Therefore, the applicant's prayer for payment of subsistence allowance during the aforesaid period of 302 days 3 hours and 11 minutes is not sustainable.

6. Viewed as such this OA is dismissed, but without any order as to costs.



(S.P. BISWAS.)  
Member (A)

sd

  
10.3.99.  
(T.N. BHAT)  
Member (J)