

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 22nd DAY OF APRIL, 2004

~~Original~~ Original Application No. 372 of 1998

CORAM:

HON.MR.JUSTICE S.R.SINGH,V.C.

HON.MR.D.R.TIWARI, MEMBER(A)

MES 455452 Mahesh Chandra Gupta,  
UDC(Under suspension) son of  
Shri Narottam Prasad Gupta, aged  
about 54 years, resident of 12 Rani  
Bhawan Divaya Prakash Press Road,  
Prem Nagar, Bareilly.

.. Applicant

(By Adv: Shri R.C.Pathak)

Versus


1. Union of India through  
The Defence Secretary, Ministry  
of Defence, Govt. of India,  
South Block, DHQ P.O.  
New Delhi-110 011
2. The Engineer-in-Chief  
E-in-C's Branch, Army  
Headquarter, Kashmir House  
Rajaji Marg, New Delhi.
3. The Chief Engineer, Central  
Command, Lucknow
4. The Chief Engineer Air Force  
Bamrauli, Allahabad.
5. G.E.(Indep)(MES) Airforce  
Izat Nagar, Bareilly.
6. The C.D.A(Army) Central  
Command, Meerut Cantt

.. Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R(Oral)

JUSTICE S.R.SINGH,V.C.

Heard Shri R.C.Pathak learned counsel for the  
applicant and Shri S.K.Pandey, holding brief of Shri Amit  




Sthalekar learned counsel for the respondents. We have also perused the pleadings.

In this original application, the relief claimed basically pertains to the payment of subsistence allowance including the subsistence allowance at the enhanced rate and penal interest etc.

While he was working as UDC in Military Engineering Services, Garrison Engineer Office, Air Force, Izatnagar, Bareilly, the applicant was placed under suspension vide order dated 27.4.1990. During the pendency of the disciplinary proceedings, the applicant attained the age of superannuation and accordingly retired w.e.f. 31.12.03. It is submitted by Shri R.C.Pathak, learned counsel appearing for the applicant that after his retirement the applicant has been granted pension vide pension payment order dated 5.1.04. The only grievance of the applicant, according to learned counsel, is with respect to subsistence allowance/salary for the period during which the applicant remained under suspension.

Shri S.K.Pandey, learned counsel appearing for the respondents submits that subsistence allowance could not be paid to the applicant because of his failure to submit non employment certificate. Shri Pathak, learned counsel for the applicant, however, submits that non employment certificate has been submitted by the applicant nor any order was passed with the treatment of period of suspension.


Having heard counsel for the parties and in regard to the facts and circumstances, we are of the view that it would meet the ends of justice if the Original application is disposed of with the direction that in case the applicant files a representation in respect of his claim for payment of subsistence allowance and/or salary for the period he remained under suspension

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period, the Competent Authority shall look into the grievance of the applicant and pass a speaking order and communicate the same to the applicant within a period of four months from the date of receipt of the representation alongwith copy of this order. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 22.4.04

Uv/