

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.1070 of 1998.

Allahabad this the 07th day of April 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

Vijai Bahadur Dhuriya
aged about 40 years,
S/o Shri Pathak Deo,
R/o Village Mawaiya, P.O. TSL,
Naini, Allahabad.

.....Applicant.

(By Advocate : Sri R Verma)

Versus.

1. Union of India
through the Secretary,
Ministry of Finance,
New Delhi.
2. The Deputy Commissioner of Income Tax,
Varanasi Range,
Varanasi.

.....Respondents.

(By Advocate : Sri S Mandhyan)

O_R_D_E_R

(By Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard Sri R Verma learned counsel for the applicant
and Sri S Mandhyan learned counsel for the respondents.
We have also perused the pleadings.

2. The applicant was placed under suspension by order
dated 11.03.1992. By another order of even date annexed as
Annexure A-2, it was provided that during the period of
suspension the applicant would be entitled to a subsistence
allowance equal to the half salary which he would have drawn
if he had been on leave on half-average pay/half pay and
in addition Dearness and Compensatory allowance based on
such leave salary until further orders. It appears that

(Signature)

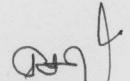
subsequently because of delay in the Departmental Proceedings, the applicant staked his claim for enhancement of subsistence allowance. By order dated 28.01.1999 (filed in the counter affidavit), the applicant has been held entitled to subsistence allowance at the rate of 75% of salary which he would have drawn if he had been on leave on half-average pay/half pay and in addition Dearness and Compensatory allowance based on such leave salary until further order. The enhancement of the subsistence allowance was granted w.e.f. 1st November 1998. The applicant has, however, been paid enhance amount w.e.f. Feb.2000, as would be evident from the order annexed to the supplementary counter.

3. Concededly the enhanced amount of subsistence allowance from 1st Nov.1998 till Jan.2000 has not been paid. During this period the applicant has been held entitled to subsistence allowance at the rate of 75% as per the order dated 11.03.1992 annexed as Annexure A-2. The applicant, in our opinion, is entitled to the difference of subsistence allowance from Nov.1998 to Jan.2000.

4. The O.A. is accordingly allowed. The respondents are directed to pay the arrears of subsistence allowance payable to the applicant at the rate of 75% as per order dated 28.01.1999 w.e.f. 1st Nov. 1998 till Jan. 2000 within a period of 2 months from the date of production of a copy of this order.

No costs.


Member-A


Vice-Chairman.

Manish/-