



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 390/2020

This the 8th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. A. K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

1. GULZARI LAL, 46 YEARS
U.D.C. (GROUP 'C) IN CBI
S/O LATE SHRI PHOOL SINGH
R/O 45-L, CBI COLONY,
VASANT VIHAR
NEW DELHI-110057
(M: 8527279149)

...

Applicant

(through Advocate: Shri Suresh Sharma)

Versus

UNION OF INDIA AND ORS. THROUGH:

1. THE SECRETARY,
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING,
NORTH BLOCK,
NEW DELHI - 110001
2. DIRECTOR
CENTRAL BUREAU OF INVESTIGATION (CBI)
CGO COMPLEX,
NEW DELHI- 110003
3. SHRI K.R.CHAURASIA
DIG/HOB, EO-I
CENTRAL BUREAU OF INVESTIGATION (CBI)
CGO COMPLEX, NEW DELHI- 110003

... Respondents

(through Advocate: Shri Y.P. Singh)

ORDER (Oral)

Hon'ble Mr. R. N. Singh, Member (J):

In the present OA filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs :



- “(i) TO quash and set aside impugned Charge Memo No.11/58/E-Corres./RDAEO-I/DG/4671 dated 09.11.2019 and the impugned Order No.11/58/E-Corres./ RDA/EO-1/DG dated 5.12.2019 & Order No.11/58/E-Corres./RDA/EO-1/DG 5122 dated 11.12.2019 having been issued in violation of Rule 14(2),14(3) and 14(5) of the CCS(CCA) Rules, 1965
- (ii) To declare that the disciplinary action initiated against the applicant vide Charge Memo No. 11/58/E-Corres./RDA/EO-1/DG/4671 dated 09.11.2019 should not precede the criminal case registered vide the charge sheet No. No. RC No. 9(S) /2017/SCU.V/CBI/SC-II/ND (Charge Sheet No.2) dated 10.08.2017 against him.
- (iii) To direct the respondents to enhance the Subsistence Allowance to 75 % for the period of suspension after 6 months of initial suspension and pay all the arrears on account thereof within a stipulated time period
- (iv) To revoke the suspension and allow the applicant to join his duties with immediate effect
- (v) To allow the OA with cost.
- (vi) Any other orders may also be passed as this Hon'ble Tribunal may deem fit and proper in the existing facts and circumstances of the case.”



2. Pursuant to the notice from this Tribunal, the respondents have filed their reply and the applicant has filed rejoinder in response thereto.

3. At the outset, Shri Suresh Sharma, learned counsel for the applicant submits that during pendency of the present OA, the respondents have made certain amendments in the aforesaid charge memo vide order dated 16.10.2020 and in view of the same, the applicant seeks permission to withdraw the OA with liberty to file a better OA to challenge the amended charge memo in accordance with law. Permission is granted. Accordingly the reliefs as prayed in paras 8 (i) & (ii) stand dismissed as withdrawn with liberty to the applicant in accordance with law.

4. With regard to the prayer of the applicant for a direction to the respondents to enhance the Subsistence Allowance to 75% for the period of suspension after 6 months of initial suspension and to pay all the arrears is concerned, learned counsel for the applicant submits that in spite of the fact that the applicant was placed under deemed suspension on 05.06.2017 and even after lapse of 4 years, the respondents have not passed any order with regard to his claim of enhancement of Subsistence

Allowance after lapse of six months from the date of initial suspension in spite of various representations submitted by the applicant in this regard.



5. Learned counsel the applicant submits the applicant has preferred representations (Annexure A-5 colly.), however, the same are still lying pending consideration of the respondents.
6. With the consent of the parties, the present OA with regard to applicant's prayer other than prayer at paras 8 (i) & (ii), the present OA is disposed of with a direction to the respondents to consider the aforesaid pending representations (Annexure A-5 colly.) and to dispose of the same by passing an appropriate reasoned and speaking order as expeditiously as possible and in any case within eight weeks of receipt of copy of this order.
7. OA is disposed of in aforesaid terms. No costs.

(R.N. Singh)
Member (J)

(A. K. Bishnoi)
Member (A)

ravi/uma/anjali/