

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD**

ORIGINAL APPLICATION NO.1509 of 2000

Allahabad, this the 18<sup>th</sup> day of March, 2008

Hon'ble Mr. Ashok S. Karamadi, Member (J)

O.P. Pandey, aged about 42 years,  
Son of Late R.B. Pandey,  
Resident of 120/311, Lajpat Nagar,  
Kanpur, presently holding the post  
Of Chargeman Grade-II, Field Gun Factory  
Kalpi Road, Kanpur.

...Applicant.

(By Advocate : Shri M.K. Upadhyaya

**Versus**

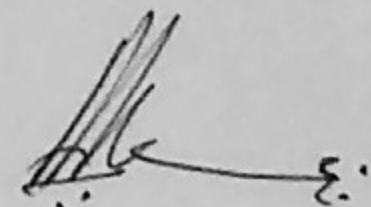
1. Union of India, through the Secretary,  
Ministry of Defence Production, Government  
of India, New Delhi.
2. Chairman, Ordnance Factory Board/Director  
General of Ordnance Factories, 10-A, Shaheed  
Khudi Ram Bose Road, Calcutta-1.
3. The General Manager, Field Gun Factory,  
Kalpi Road, Kanpur.
4. Shri K.L. Sapra,  
Presently holding the post of General  
Manager, Field Gun Factory, Kalpi Road,  
Kanpur.
5. Shri R.K. Dhingra,  
Presently Employed as Works Manager,  
Ordnance Factory, Aravankadu (Tamil Nadu).

...Respondents.

(By Advocate : Shri Pranay Krishna)

**O R D E R**

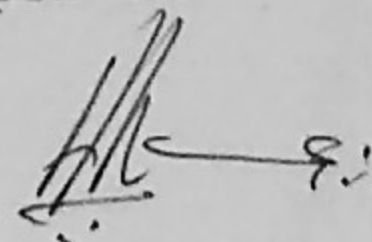
This application is filed seeking direction to the respondents to enhance the subsistence allowance of the applicant from 50% to 75%. It is a case of the applicant that he was suspended on 11.8.1999 and thereafter he made a representation on 5.11.1999 and



1.12.99 with the prayer for enhancement of the subsistence allowance. Subsequently, after filing this OA the respondents authority have passed the order after holding the inquiry against the applicant on 12.4.2003. Against the same, the applicant has preferred an OA No.14/05, which is still pending. Learned counsel for the applicant submits that in view of the inaction on the part of the respondents, which has affected his right, for which he is entitled for the enhancement of the subsistence allowance, which is denied by the respondents. Learned counsel for the respondents submitted that having regard the relief sought for by the applicant cannot be granted. In view of the fact that respondents have passed the final order on 12.4.2003 against the same the applicant has filed the OA No.14/05, which is pending having regard to the same sought for to dismiss the OA.

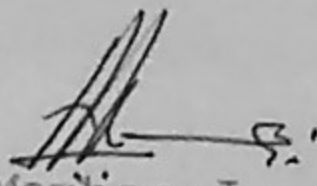
2. I have heard the learned counsel for the applicant and learned counsel for the respondents. It is admitted fact that the applicant was kept under suspension from 11.8.1999 and, thereafter, the said proceedings against the applicant, which was initiated by the respondents department has culminated in passing the final order on 12.4.2003. By the said order, the respondents have removed the applicant from service, thereafter, further the applicant has preferred the OA No.14/05, challenging said order of removal from service, which is pending.

3. In view of these admitted facts the relief sought for by the applicant cannot be considered in this OA. Having regard to the fact that the grievance of the applicant seeking enhancement at subsistence allowance is for a period of suspension





under which, he claims that he is entitled from 50% to 75%. The grievance of the applicant is valid if the suspension order continues as on today. Having regard to the fact that the respondents have passed the final order of removal, I do not find any justification to continue this OA, and accordingly, the OA is dismissed. No order as to costs.

  
Member-J

RKM/