

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 22nd DAY OF APRIL, 2004

Original Application No. 545 of 2000

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 Late
Narottam Prasad Gupta, aged about
57 years, resident of 12, Rani Bhawan
Divya Prakash Press Road,
Bareilly. 243005

.. 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.-110011
2. The Engineer-in-Chief
Engineer -in-Chief's Branch
Army Headquarters, Kashmir
House, DHQ P.O. New Delhi
3. The Chief Engineer, Central
Command, Lucknow.
4. The Chief Engineer Air Force
Allahabad-12
5. The Garrison Engineer (INDEP)
Air Force, Izatnagar, Bareilly

.. Respondents

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 applicant seeks issuance of a direction to the respondents to revoke his suspension w.e.f. 27.4.1990 and to decide all the representations/review appeals filed by the applicant against illegal,unlawful and prejudicial order continuing him under suspension w.e.f. 27.4.1990.

While the applicant was working as UDC in Military Engineering Services, Garrison Engineer office, Air Force, Izatnagar, Bareilly, he was placed under suspension.

During the pendency of the disciplinary proceedings the applicant attained the age of superannuation and accordingly retired w.e.f. 31.12.03 and with the retirement the suspension order no longer survives. 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.

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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 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.

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MEMBER(A)

(B)

VICE CHAIRMAN

Dated: 22.4.04

Uv/