

Payment of
subsistence
allowance

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

3

O.A. No. ~~224~~ 224 of 1989.

DATE OF DECISION 24.1.1992

Vinodkumar N. Rayal Petitioner

Party-in-person Advocate for the Petitioner(s)

Versus

Union of India & Anr. Respondent

Mr. R.R. Tripathi for Advocate for the Respondent(s)
Mr. B.B. Naik

CORAM :

The Hon'ble Mr. R.C. Bhatt Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? X
3. Whether their Lordships wish to see the fair copy of the Judgement ? X
4. Whether it needs to be circulated to other Benches of the Tribunal ? Y

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-- 2 --

Vinodkumar N. Raval

.. Applicant

Versus

Union of India & Anr.

.. Respondents

O.A. No. 224 of 1989

Present : Applicant in person

Mr. R.R. Tripathi for Mr. B.B. Naik
learned advocate for the respondents.

ORAL - JUDGMENT

Dated : 24.1.1992

Per : Hon'ble Shri R.C. Bhatt .. Member (J)

The applicant has filed this application under section 19 of the Administrative Tribunals Act, 1985 challenging the order No. SS-4/VNR/9/88-89 dt. 9th July, 1988 produced at Annexure A-3 by which the respondents had suspended the applicant with immediate effect because a disciplinary proceedings against him was contemplated. The applicant was suspended under Rule 10 sub rule 1 of CCS (CCA) Rules, 1965. The applicant challenging that order has sought relief of payment of subsistence allowance pending from 28th September, 1988 till the date of application and the other relief is about grant of temporary GPF Advance from the account of the applicant. The applicant has, at the time of argument not pressed that relief of grant of temporary GPF Advance because according

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5

to him, he is out of service. Therefore, the only question which requires to be considered is about the payment of subsistence allowance from 28th - September, 1988 till the date of this O.A. i.e. 10th May, 1989.

2. The respondents have filed their reply contending that the applicant's suspension order was revoked and the applicant was informed of the same alongwith the transfer order. According to the respondents, the applicant was transferred from Ahmedabad to Viramgam by the order dated 28th September, 1988. It is contended by the respondents in their reply that the order of revocation of suspension order dt. 28th September, 1988 and the transfer order of the same date were sent in one envelop which was received by the applicant and the acknowledgement receipt of the registered post by which those papers were sent to the applicant bear the signature of the applicant. The respondents have produced at page 7 the order of revocation of suspension dt. 28th September, 1988 and on page 9 the transfer order of the applicant and the acknowledgement receipts of the same are also produced alongwith the white slip of posting of registered letter. It is, therefore, contended by the respondents

that the applicant has received both these orders and therefore, the applicant is not entitled to any amount by way of subsistence allowance thereafter.

3. The applicant has not filed rejoinder controverting these contentions taken by the respondents in their reply but the oral submission of the applicant is that the respondents had by registered post dt. 28th September, 1988 sent him only an order of transfer and not an order of revocation of suspension.

4. The applicant had made one application dt. 24th October, 1988 to the respondents to which the respondents had sent reply dt. 27th October, 1988 which is produced by the respondents in which also specifically, the respondents have mentioned that the memo No. BQli(a) dt. 28.9.1988 and No. Bu/Sup/VNR/8889 were sent in registered A.D. letter No. 4929 which was delivered to the applicant. It is mentioned further in this reply that the applicant has confirmed that he has received memo of transfer order and therefore the memo regarding revocation of suspension also must have been received by the applicant alongwith the transfer order.

5. In this case, the only dispute between the parties is that according to the applicant, he has not received the order of revocation of his suspension in

7

the registered letter dt. 28th September, 1988 sent to him but he only received the transfer order sent under that letter. On the other hand, the respondents contend that both these orders were by one registered AD letter on 28th September, 1988 and when the applicant has received the transfer order as per his admission, he must have received the order of revocation of his suspension.


6. In order to set at rest, this factual aspect, the respondents are directed to consider this dispute about the payment of subsistence allowance to the applicant from 28th September, 1988 till 10th May, 1989 i.e. the date on which this O.A. was filed verifying all the records and after giving an opportunity to the applicant to be heard on that point and then the respondents may dispose of the dispute of the applicant. Hence the following order.

ORDER

The respondents are directed to consider the dispute of subsistence allowance of the applicant from 28th September, 1988 till 10th May, 1989 verifying the record as to whether the order of revocation of suspension order on 28th September, 1988, was sent to the applicant. The respondents may also give the applicant an opportunity of being heard if he so desires. Thereafter, the respondents may dispose of the above controversy and may inform accordingly to the

-- 6 --

applicant. The application is disposed of with no
order as to costs.


(R C Bhatt)
Member (J)

*Mogera