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Serial No. of Order	Date of Order	Order with Signature	
16	19-4-95	Call it on 24-4-1995.	Adj to 15.3.95 Bul 14/3/95 Bench
17	24.4.95	<p>Admittedly the petitioner was suspended on 22.8.1985 resulting from a charge of committing breach of trust of a huge amount. It appears that a Criminal Complaint was also filed against him for the said offence. He was taken to the custody on 20.9.1985 and remained ^{remanded} in the judicial custody till 22.4.1986. In the counter it is stated that the petitioner did not inform and he did not stay at the headquarters fixed for him at the time of suspension and that he was absconded. We find no force in this contention. It was ^{he} he, having been taken to custody by police and then remanded to judicial custody does not amount to abscondence. He was staying at Koraput and later, on 17.6.1992, according to the allegation in the petition, he was evicted by the Collector, Koraput from the quarters which he was occupying. Since then the applicant was occupying a private residential building. He claims 75 per cent subsistence allowance under the rules with effect from 22.11.1985 which would be the end of three months' period after the date of suspension. The rule is clear that if the enquiry is not prolonged on account of the conduct of the petitioner then he would be entitled to 75 per cent subsistence allowance of his pay. The learned Additional Standing Counsel ..</p>	<p>For hearing Pl, Adj to 23.3.95 Bul 22/3/95 Bench Order No 15 dt 23.3/95 Adj to 10.4.95 for Compliance Pl Bul 7/4/95 Bench O.S. No. 15 dt 23.3-95 may readily be seen Adj. to 18.4.95. It is also mentioned too kind information that the record has been received in the section after binale sation of cause list 19.4.95 Bul 18/4 Bench</p>

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OA: 267/94
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Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
.. 17	24.4.95	<p>Shri Akhaya Mishra has filed a memo dated 24.4.1995 stating that subsistence allowance of 75 per cent of pay has been calculated from 1.4.1990. We find absolutely no basis ^{for} taking into ¹⁹⁹⁰ consideration 1.4.1990 as the cut-off date for calculating 75 per cent subsistence allowance. When the rules make it obligatory to pay such an allowance on the expiry of three months from the date of suspension then unless the respondents are in a position to satisfy the Tribunal that the enquiry was prolonged on account of the conduct of the petitioner, he is entitled to subsistence allowance at that rate and accordingly we direct that the petitioner shall be paid subsistence allowance at 75 per cent of his salary from 22.11.1985.</p> <p>The next question for consideration is whether the petitioner is entitled to House Rent Allowance. The learned Additional Standing Counsel admits that when he is occupying the Government quarters he is not bound to vacate it even during the period of suspension. But undisputedly, in the instant case, the petitioner was evicted from the Government quarters by the Collector, Koraput, and therefore, he is now occupying a rented house. That being so, from 17.6.1992, he is entitled to House Rent Allowance at the rate permissible under the rules. Accordingly, we direct that a calculation shall be made and all the arrears due to the</p> <p style="text-align: right;">...</p>	<p>Or. No. 17 dt. 24.4.95.</p> <hr/> <p>A copy of order No. 17 dt. 24.4.95 may be given to the counsels for both sides.</p> <p>The record has been received in the section on 26.4.95.</p> <p><i>[Signature]</i> 26/4</p> <p><i>[Signature]</i> 26.4.95 S.O.</p> <p>Received CM Acc Central 1/5/95</p>

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(C)

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
..17	24.4.95	<p>towards subsistence allowance and House Rent Allowance shall be paid within 60 days from the date of receipt of a copy of this order. Hand over a copy of the order to the petitioner's counsel forthwith to make it available to the concerned authorities for payment.</p> <p>Original Application is disposed of in terms of this order.</p> <p><i>[Signature]</i> MEMBER (VICE-CHAIRMAN)</p> <p><i>[Signature]</i> MEMBER (ADMINISTRATIVE)</p>	