

1/8. B. S. Tapalgi
A. Sarkar
M. Kar
CAT / J / II J. Sahoo
INAL S. Tapalgi

(A) CAT
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A.No. 199

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N. Rajendra Kumar Choudhury, Applicant (s)

Versus

Versus
Union of Bar & Law Respondent(s)

Sr. No	Date	Order with Signature
		<p style="text-align: center;">REGISTER</p> <p style="text-align: center;">B. S. <i>[Signature]</i> 19.7.96 Registrar</p>
1. 22.7.96	19.7.96	<p>Heard Shri N. Sarkar learned counsel for the applicant. The grievance in this petition is that the impugned suspension order dated 11.11.1995, Annexure-3, be declared illegal and to direct the Respondents to forthwith reinstate the applicant.</p> <p>The grievance of the applicant is that even after seven months of the order of suspension there is no enquiry and no chargesheet has been issued to him. He also states that no Subsistence Allowance is being paid to him in view of Rule 9(3). Without initiating any proceeding, Respondent No.4, it is stated, has directed recovery of an amount of Rs. 21,690/- (already recovered from the applicant) on the allegation that this amount was misappropriated by the applicant. This is ^{allegable} a highhanded act and arbitrary. As the applicant has not exhausted the departmental remedies available, I direct him to place all his</p> <p style="text-align: right;">9. P.O. for Rs 50/- has been filed. D 19.7.96.</p> <p style="text-align: right;">S/o Regd. pl. D 19.7.96. 19.07.96 SOLG Registrar 19.7.96</p> <p style="text-align: right;">For Admin. & I.O. pl. D 19.7.96. Bench.</p>

Serial No. of Order	Date of Order	Order with Signature
		<p>grievances in a representation to Respondent No.2 i.e. Superintendent of Post Offices, Aska Division, Aska, Respondent No.2 shall examine the grievances of the applicant, go into the suspension order and if he is satisfied that there is no basis for the order of suspension, he may reinstate ^{is satisfied} reinstate the applicant. If ^{is} there are other valid grounds for keeping the applicant under put off duty xxxx, he can do so and issue a ^{expeditiously} chargesheet and conduct an enquiry. The representation shall be disposed of within a period of four weeks from the date of presentation of a representation before him. The applicant is advised to present a self contained representation to the Respondent No.2 within ten days from today. Respondent No.2 shall also give a personal hearing to the applicant before passing an order on the representation. If the order adversely affects the interest of the applicant, it should be a reasoned and speaking order. Shri S.C. Samantray learned Additional Standing Counsel for the Respondents is present and is heard.</p> <p>Now the Supreme Court has held that Rule 9 (3) is unconstitutional and accordingly directed the Department to frame necessary rule in substituting Rule 9(3). If Rules have been framed and there is a provision for grant of Subsistence Allowance the same shall be allowed to the applicant and this should be put as a part of the representation which would be disposed of by the Respondent No.2.</p> <p style="text-align: right;">23/2/78</p>

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Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
		<p>Thus, the OA is accordingly disposed of. No costs.</p> <p><i>Manaswini</i> Member (Admn.) 23/7/96</p>	<p><u>Order no 1, dt 22.7.96</u></p> <p>A copy of Order alongwith the notice may be sent to all O.P. by Regt for any given to both (comptd),</p> <p>At 25/7/96 <i>Manu</i> 25.07.96 S.O.C.J</p> <p>Received copy S. Comptd ASC</p> <p>Received copy of order at 22.7.96. Storer. Adv. 26.7.96.</p>