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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 614/01
Cuttack, this the 23rd day of January, 2004

Niranjan Parija Applicant
Vrs.
Union of India & Others Respondent

FOR INSTRUCTIONS

(1) Whether it be referred to the Respondents or not? *NO*
(2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *NO*

23/01/04
(M.R. MOHANTY)
MEMBER (JUDICIAL)

B.N. SARKAR
(B.N. SARKAR)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
&
HON'BLE SHRI M.R. MOHANTY, MEMBER (J)

Niranjan Parija, aged about 48 years, S/o- Late Radhakrishna Parija, resident of Paika Sahi, P.S-Kishore Nagar, Dist-Cuttack.

..... Applicant.
By the Advocate(s) Mr. S.S. Das
-Vrs-

1. Union of India, represented through the Secretary, Department of Finance, Government of India, New Delhi.
2. Dy. Regional Director, National Savings (G.O.I), Mahatab Road, Cuttack.

..... Respondent(s)
By the advocate(s) Mr. A.K. Bose.

ORDRE

SHRI B.N. SOM, VICE-CHAIRMAN: Shri Niranjan Parija formerly a Lower Division Clerk in the Office of Regional Director, National Savings Organisation, Cuttack has filed this O.A under Section 19 of the Administrative Tribunal Act, 1985 challenging the order dated 12.10.01 issued by the Respondent No.2 refusing grant of subsistence allowances to the applicant.

2. The facts of the case in brief are that while working as a Lower Division Clerk in the Office of Respondent No.2 he was implicated in a criminal case under the Prevention of Corruption Act, 1988 and convicted. There upon the Respondent removed him from service by an order dated 16.02.01 made under Rule 19(i) of the CCS (CCA) Rules, 1965. Being aggrieved by the order of the Ld. Special Judge CBI, Bhubaneswar the applicant carried the matter in an appeal before the Hon'ble High Court of Orissa and obtained an order granting his prayer for suspension of sentence till disposal of the Criminal Appeal vide their Lordships order dated 31.08.01. Thereafter, the applicant submitted a letter dated 06.09.01 to Respondent No.2 to re-instate him as LDC and to grant him subsistence allowance. But this representation did not yield any result. On the other hand by issuing a letter dated 12.10.01 (Annexure-5) the Respondent refused to consider the question of payment of subsistence allowance in view of his order dated 16.02.01. Having failed to get justice from the Respondent the applicant has approached this Tribunal for relief.

3. None has appeared for the applicant nor was he present in person although this case has been listed for hearing several times between 11.02.03 to 18.12.03. On the final day of hearing also none appeared for the 

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applicant. However, Mr. A.K. Bose, I.d. Sr. Standing Counsel was present and with his aid and assistance we have perused the records placed before us. The applicant having carried this matter regarding his conviction in the CBI case No. RC 41(A)/98- BBS to the Hon'ble High Court and that Court having taken cognizance of the matter and passed certain order in favour of the applicant on 31.10.01 it was open to him to knock at the door of the Hon'ble High Court for full relief by submitting reasons in support of his prayer. As no one is present in the Court either on behalf of the applicant or the applicant in person, we dispose of this O.A as not being pressed.

4. However, a copy of this order be sent to the given address of the applicant for taking such action as deemed fit in his own interest.

Mohanty
23/01/04
(M.R. MOHANTY)
MEMBER (JUDICIAL)

Som
(B.N. SOM)
VICE-CHAIRMAN

CAT/CTC
Kalpeswar