

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order # 8192005

Rejoinder is filed
to-day with copy to
other side. Proceedings
are complete.

List the matter for final hearing after showing it for Ready List.

REGISTRAR

For Hearing.

Bench

131902.

Jan. 21 14.02.06

Copies 2 ready
prepared for counsels
for both sides.

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213

W 31873
S 10

Order dated 14.02.06

The matter relating to non-enhancement of the subsistence allowance to the Applicant who has been under suspension since 5.3.04. There is a ^{parallel} preliminary criminal investigation against the Applicant by the Respondents. The investigation in this case is still in progress. The Applicant has made two representations under Annexure-A/5 and A/6 to the authorities concerned requesting for enhancement in the subsistence allowance. The Respondents have not been responded to that in one way or the other so far. The Ld.Counsel for the Applicant brings to our notice the order of the Bombay Bench of the CAY i.e., 2000 Volume-3 ATJ page 209 in which it has been ordered that if the continued suspension is not due to any reason attributable to the suspended officer, he shall be entitled to enhanced subsistence allowance. The Ld.Counsel for the Applicant makes a plea that the benefits of the above order shall be extended to the Applicant also in this O.A.

The Ld. Counsel for the Respondents brings to our notice to Annexure-R/2. The Review Committee concerned has already made a review of this case and ~~made~~ the finding that the suspension shall be continued with ~~the~~ existing subsistence allowance. It is not very apparent from the proceedings of the above committee whether the representations made by the Applicant have been ~~factored~~ into

the decision mentioned in the proceedings. It is only fair and just that any representation made by the Applicant shall be duly considered and a response given thereto in terms of the extent rules and instructions. The Ld.Counsel for the Applicant would be agreeable if a direction is issued from this Tribunal to the effect that he would make a fresh representation within 10 days within from the date of receipt of a copy of this order enlisting particular grievances relating to the suspension. The next suspension review committee, which is already due, accordingly the Ld.Counsel for the Respondents shall consider this representation along with Annexure-A/5 and A/6 representations already made by the Applicant and consider the same in the light of extent rules and instructions and also in the light of the orders of this Tribunal in the Bombay Bench quoted above (a copy of which shall accompany the representation which the Applicant might make to the authorities concerned) and pass a speaking order meeting each and every issue raised by the Applicant and ~~regarding~~ ^{recording} the decision underlying quoting the underlined rules, instructions and orders etc. The Committee shall be convened by the authorities concerned within a period of one month from the date of receipt of a copy of the representation. ^{The final} And that order shall be communicated to the Applicant within a period of one months from the date of the next review committee. If such a communication

containing the decisions on the representations

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is not made within the set time, the Applicant
shall be entitled to the 75% of the subsistence
allowances from the day next to the expiry
of the one month period mentioned above.
The Lt. Counsel for the Respondents has no
objection to the adoption of this course of
action.

With this order, this Original Application
is disposed of. No costs.

Copies of this order shall be given to the
Counsel for both the parties today itself.


Member (Admn.)