

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Counter not
filed.

For further order,

for
30/11

Bench

on 28.11.02

counter filed.
copy secured.
for further order,

for
28/11

Bench

On 28.11.02

Rejoinder not

filed.

for
27/11

Bench

Rejoinder not

filed.

for
27/11/02

Bench

Order dt 28.11.02

At request 4 weeks time
is allowed for filing rejoinder.
Call this matter on 8.1.2003

Vice Chairman

Member (Judicial)

ORDER DATED 08-01-2003.

Heard Mr.P.K.Padhi, learned
Counsel for the Applicant and Mr.B.Dash,
Learned Additional Standing Counsel for
the Union of India, appearing for the
Respondents and perused the records.

In this Original Application,
U/s.19 of the Administrative Tribunals
Act,1985, the Applicant has prayed for
enhancement of his Subsistence Allowance
(upto 75% of leave salary) during the
period of his suspension. In the counter
filed by the Respondents, it has been
disclosed that the Subsistence Allowance
has already been increased/enhanced.
With this submission, learned ASC states
that the OA has become infructuous, in view
of the fact that the Subsistence Allowance
has already been enhanced.

Mr.P.K.Padhi, learned Counsel for
the Applicant has stated that the Respondents
have not increased the Subsistence
Allowance upto 75% but it has only been

for
27/11/02

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ORDERS OF THE TRIBUNAL

Or. dt. 8.1.03

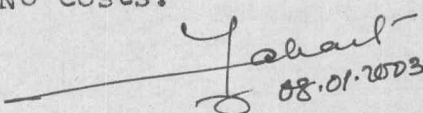
copy of order
dt. 8.1.03 handed over
to counsels for both
sides.

11/13

11/13

increased/enhanced by 5%.

Law is clear that the Respondents have got discretion to increase/enhance the Subsistence Allowance from 50% to 75%. The reason for which they have not increased/enhanced the Subsistence Allowance upto 75% has not been disclosed/clarified/explained in the counter. Therefore, this OA is disposed of with a direction to the Respondents to give the reason for not increasing/enhancing the Subsistence Allowance upto 75% to the Applicant within a period of one month from the date of receipt of a copy of this order and, in the event the applicant is not satisfied, he shall be free to prefer an appeal against the reasons to be communicated by the Respondents to him (applicant) within a period of one month thereafter. No costs.


08.01.2003
(Manoranjan Mohanty)
Member (Judicial)