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O.A.No. 427 of 2009

Order dated 6.10.2009

CORAM:

HON'BLE SHRI JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

And

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

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The applicant has filed this O.A. with the following

prayers:

*“The Hon’ble Tribunal be graciously pleased to quash the order contained in Annexure-A/11 and the order of suspension be revoked;*

*And be pleased to direct the respondent No.3 to pay the subsistence allowance @75% to the applicant after completion of 3 months;*

*And be further pleased to direct the respondent No.3 to complete the disciplinary proceedings against the applicant forthwith;*

*And any other order/orders as this Hon’ble Tribunal consider fit and appropriate under the circumstances may please be passed.*

2. The facts as revealed from the records are that while the applicant was working in the Department, he was served with Annexure A/2 suspension order, which was followed by serving of the charge memo against him. In the meanwhile, the appropriate authority passed Annexure A/11 order restricting the subsistence allowance or rather reducing the subsistence allowance of some other employees, in which the name of the applicant is also included. The applicant submits that since the charge memo is vague and reduction of subsistence allowance as per AnnexureA/11

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is unwarranted, he has filed this O.A. to quash the suspension order as well as Annexure A/11 order.

3. We have heard Shri D.Dey, the learned counsel for the applicant and Shri S.K.Ojha, the learned Standing Counsel appearing for the Respondents and have also perused the records placed before us.

4. Admittedly, the applicant was served with Annexure A/2 suspension order which was followed by the charge memo. If a charge memo has been issued initiating the disciplinary proceeding against him, at this stage we are not inclined to interfere with such suspension order. That apart, the suspension order itself can be challenged by filing an appeal before the appellate authority as per rules. It is left to the applicant to file appeal before the appellate authority.

5. With regard to the second prayer, we are told by the learned Standing Counsel for the Respondents by a Misc. Application/objection to the interim stay granted by the Tribunal, that Annexure A/11 is not applicable to the applicant and his name has appeared therein by an inadvertent mistake and that the applicant will get his subsistence allowance as per rules. If so, we



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are inclined to dispose of this O.A. by declaring that AnenxureA/11 is not applicable to the applicant.

5. With the above observations, the O.A. is disposed of.

  
(C.R. MOHAPATRA)  
ADMINISTRATIVE MEMBER

  
(K. THANKAPPAN)  
JUDICIAL MEMBER