

O.A. No. 94 of 2009Order dated: 11.03.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)
Hon'ble Mr. C.R. Mohapatra, Member (A)

None for the applicant.

It is a trite law that once a Govt. employee has been convicted by the Criminal Court, he is not entitled to get any benefit of service unless his conviction is set aside by the Appellate Authority or such authority and he is reinstated in the service.

2. The claim of the applicant in this O.A. is that he wanted his suspension allowance/subsistence allowance during the pendency of the appeal before the Appellate Court against the Trial Court found the applicant guilty of ^{order} _h offences for misappropriation of public money. The applicant now claims that the stoppage of suspension allowance granted or continued to him till the conviction entered against him was irregular and illegal, hence this Tribunal may interfere in the matter. It is also additionally prayed that a direction may be issued to the Respondents to pay his complete suspension allowance w.e.f. 31.12.1992.



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3. We have gone through the entire averments in the O.A. and we see that this Tribunal is not expected to interfere with this matter. As per the relevant rules applicable to the applicant, it is for the applicant to approach the concerned authorities for getting his grievance, if any ~~judiciable~~.

4. In the above circumstances, at this stage, we are not expected to interfere with the put off duty order by the Department on the basis of the conviction entered by the Criminal Court.

5. Accordingly, the O.A. is dismissed as meritless.
No costs.

Chaitanya
MEMBER (A)

Appay
MEMBER (J)

RK