

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A.743 of 1996

Date of Order: 10-02-98.

Present: Hon'ble Mr.Justice S.N.Mallick, Vice-Chairman.
Hon'ble Mr.S.Dasgupta, Administrative Member.

NABA KR.PATRA

-VS-

UNION OF INDIA & ORS.

For the petitioner: In Person.

For the respondents: Mr.P.Chatterjee, counsel.

Heard on: 10-02-98.

O R D E R

S.Dasgupta, AM.

This application was filed challenging the Order dated 18.6.95 by which the decision of the competent authority was communicated to the applicant to the effect that the intervening period ^{from} of the original date of removal to the extended date of removal may be treated as 'Non Duty' and also ^{for} payment of subsistence allowance from April, 1979 to June, 1991.

It appears from the averments made in the application that the applicant was suspended in the month of April, 1979 and after disciplinary proceedings, he was removed from services. The date of removal from service was deemed to be 16.9.91 by an Order of the Tribunal dated 19.1.94 passed in a bunch of OAs no. 676, 677 and 678 all of 1992. The allegation made by the applicant is that he has not, ^{therefore}, been paid any subsistence allowance for the period from April, 1979 to June, 1991.

We have heard the applicant in person and also the 1d.

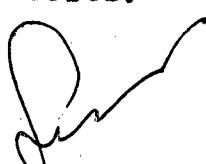
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counsel for the respondents. Ld. counsel for the respondents stated that it is a fact that the applicant has not been paid the subsistence allowance for the aforesaid period but this was because of the fact that the applicant did not furnish the necessary non-employment certificate. The applicant stated that in a similar case, the Tribunal has passed a direction on 5.6.97 in OA.727 of 1996 ^{and} ~~that~~ although he is similarly circumstanced, the said direction has not been complied with in his case.

There is no denial of the fact that the applicant was under suspension from October 17, 1976 to ~~M~~ June 16, 1991 and was paid subsistence allowance only upto March, 1979 and therefore, he is entitled to get subsistence allowance for the period from April, 1979 till the deemed date of removal from service that is, 16.6.91. The only objection raised by the respondents is that the applicant has not submitted any 'non-employment certificate' and that otherwise, they would have no objection in payment of the said allowance under the extant rules.

In view of the foregoing, we dispose of this application with the direction upon the respondents to release the subsistence allowance, as may be admissible under the rules, to the applicant from April, 1979 till 16.6.91 within a period of 4 weeks from the date of production of necessary certificate by the applicant. The applicant undertakes to approach the concerned authorities with necessary documents within a period of 2 weeks from the date of this order. No order as to costs.


(S. Dasgupta)
Member(A)


(S.N. Mallick)
Vice-Chairman.