

Central Administrative Tribunal  
Calcutta Bench, Calcutta

OA 680/1997

This the 12<sup>th</sup> day of April, 2005

**Hon'ble Shri S.K. Malhotra, Member (A)**  
**Hon'ble Shri G. Shantappa, Member (J)**

Kartick Chandra Indu aged about 45 yrs.  
Son of late Ramani Mohan Indu working  
As a Senior Accountant in the office  
Of the Controller of Accounts, Department  
Of Supply, 15, R.N. Mukherjee Road,  
Calcutta - 700001 residing at  
432/20, Kankpul, 24 Parganas (North),  
PIN - 743 272

....Applicant

(None for the applicant)

Versus

1. Union of India represented through  
the Secretary, Ministry of Commerce,  
Department of Supply, 'C' Wing,  
Nirman Bhawan, New Delhi - 110 011.
2. The Secretary, Ministry of Home  
Affairs, Department of Personnel  
And Training, New Delhi.
3. Chief Controller of Accounts,  
Department of Supply, 15, Akbar Road  
Hutments, New Delhi - 110 011.
4. Controller of Accounts, Department  
of Supply, 15, R.N. Mukherjee Road,  
Calcutta-700 001.

....Respondents.

(None for the respondents)

**O R D E R (ORAL)**

**By Hon'ble Shri G. Shantappa, Member (J):**

The present OA has been filed by the applicant under Section 19  
of the A.T. Act, 1985 seeking the following reliefs:

"i) to direct the respondents to compute his subsistence  
allowance during the period from 01-01-1986 to 19-04-  
1987 on the basis of revised scale of pay of Rs.1200-

2040/- and pay the applicant his due amount with all consequential benefits and arrears;  
ii) to direct the respondents to pay interest on the amount due to the applicant at the G.P.F. rate of interest;  
iii) to direct the respondents to pay cost as they have unnecessarily forced the applicant to litigate with the State spending his hard earned money."

2. In brief, the facts of the case are that the applicant was placed under suspension in contemplation of disciplinary proceedings against him with effect from 25-2-1984. Subsequently, the order of suspension was revoked w.e.f. 19-4-1987. Earlier to suspension he was in the pay scale of Rs.330-560/-, the said pay scale was revised to Rs.1200-2040/- w.e.f. 1-1-1986. During the period from 1-1-1986 to 19-4-1987, his subsistence allowance was computed on the basis of pre-revised pay scale of Rs.330-560/- and not on the revised pay scale of Rs.1200-2040/-. The applicant has submitted his representation along with judgement dated 28-6-1995 in OA 1447/1993 passed by the Hyderabad Bench of this Tribunal and also the OA 1497/1993 P. Xavier -vs- The Chief Personnel Officer, SC Railway and another. In view of the judgements of the various benches of the Hon'ble Tribunals, it is held that where pay scales were revised, the suspended employee is entitled to subsistence allowance computed on the basis of revised pay scale. As the applicant is also similarly placed, the benefit of the judgement shall be extended to him. Since the respondents have not taken the decision, hence he is entitled for the payment of commuted subsistence allowance during the period from 1-1-1986 to 19-4-1987 as prayed for by the applicant in the OA and also he is entitled to pay the interest on the amount due to the applicant at the GPF rate.



3. The respondents have filed reply denying the averments made by the applicant in the OA. They have admitted that the applicant was placed under suspension in two spells i.e. from 13-1-1984 to 24-1-1984 and 15-2-1984 to 19-4-1987. The applicant was in the time scale of Rs.330-560/- instead of Rs.425-700/- and his pay was revised to Rs.1200-2040/- w.e.f. 1-1-1986 as per C.C.S. (R.P.) Rules, 1986. The said period of suspension was treated as duty for the purpose of pension and the period of 21 days from 25-1-1984 to 14-2-1984 was treated as duty in terms of the order of the Hon'ble High Court of Calcutta vide order dated 20-6-1984 and the Chief Controller of Accounts has issued the order dated 5/10-5-1988 and he was allowed subsistence allowance for the above mentioned suspension period as per FR 53 as contained in GIMF O.M. dated 27-8-1958. The representation of the applicant was rightly rejected in accordance with rules by applying the OM dated 27-8-1958 but the applicant has not challenged the said order of rejection. Hence the OA is liable to be dismissed.

4. None appears for either side. We invoke the Rules 15 and 16 of Central Administrative Tribunal (Procedure) Rules, 1987, we perused the pleadings and documents available on record.

5. The contention of the applicant is that he was not paid the computed subsistence allowance subsequent to 5<sup>th</sup> Pay Commission for the period i.e. 1-1-1986 to 19-4-1987 on the basis of the revised pay scale of Rs.1200-2040/-. The respondents in their statement have stated that they have considered the case of the applicant and he was allowed the subsistence allowance for the period of suspension. When they have considered the period of suspension from 13-1-1984 to 24-

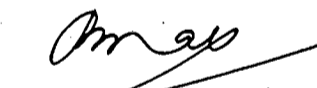


1-1984 and 15-2-1984 to 19-4-1987 by treating the said period as duty, they have not stated about the computed subsistence allowance during the period from 1-1-1986 to 19-4-1987. The grievance of the applicant is that he is entitled for computation of his subsistence allowance for which the respondents have not answered.

6. If the respondents have granted the subsistence allowance for the said period, they are directed to communicate the order to this effect to the applicant. Since there is no assistance from the either side, we direct the respondents to communicate the order of computation of subsistence allowance during the period from 1-1-1986 to 19-4-1987 on the basis of revised pay scale of Rs.1200-2040/-. We reject the relief for grant of interest on the due amount.

7. With the above observations, OA is disposed of. No order as to costs.

  
(G. Shantappa)  
Member (J)

  
(S.K. Malhotra)  
Member (A)

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