

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. M.A. 406 of 1999  
(O.A. 440 of 1997)

Date of Order : 12.8.1999

Present : Hon'ble Mr. D. Purkayastha, Judicial Member.

Hon'ble Mr. G. S. Mairagi, Administrative Member.

PRADIP KUMAR BISWAS

vs.

UNION OF INDIA & ORS.  
(EASTERN RAILWAY)

For the applicant : Mr. A. K. Mukhopadhyay, counsel.

For the respondents: Mr. P. K. Arora, counsel.

ORDER

D. Purkayastha, J. M.

Heard ld. counsel for both sides. Id. counsel for the applicant submits that the respondents have not made payment of the subsistence allowance in view of the fact that he did not give attendance since 28.6.1999. Therefore, the subsistence allowance has been withheld.

2. It is found from annexure 'F' to the application that the applicant made a declaration regarding non-engagement in any kind of job. We are of the view that when the applicant is under suspension, his attendance is not required. He has to only abide by the order of suspension.

3. In view of the above position, we direct the respondents to release subsistence allowance to the applicant. *We also direct* of the letter dated 6th July, 1999 (annexure 'G' to the application), *be quashed.* *In the decision stated above*

4. This M.A. stands disposed of with the above directions. No order is made as to costs.

*G. S. Mairagi*

R.S.

Administrative Member

Judicial Member