

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 440 of 97

Date of order : 3.8.04

Present : Hon'ble Mr.S.K.Hazra, Administrative Member
Hon'ble Mr.K.V.Sachidanandan, Judicial Member

PRADIP KR.BISWAS

VS

UNION OF INDIA & ORS.

For the applicant : Mr.B.Chatterjee, counsel

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

O R D E R

S.K.Hazra, A.M.

The applicant who is working as a Sr.Clerk in E.Rly, Calcutta has filed this application for the following reliefs :

a) a direction upon the respondents herein to withdraw, rescind and/or recall the order of suspension dated 15.11.96 on the ground that the suspension with retrospective effect is illegal;

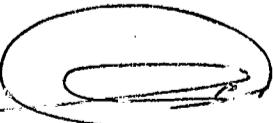
b) a direction upon the respondents to release subsistence allowance to the applicant as per law.

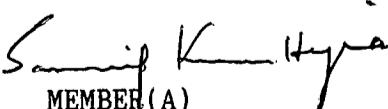
2. Mr.B.Chatterjee, 1d.counsel appears for the applicant and Mr.P.K.Arora, 1d.counsel appears for the respondents.

3. We have perused the pleadings and heard the 1d.counsel appearing for both sides. It is categorically mentioned in the reply that the applicant was placed under suspension following his arrest w.e.f. 20.6.96 in accordance with the rules and that subsistence allowance was paid to him w.e.f. 20.6.96 from the date of suspension.

4. Since the applicant was placed under suspension in keeping with the rules, the relief as prayed for in the OA for rescinding the order of suspension cannot be granted. As regards the claim of the applicant for subsistence allowance, the relief has already been granted by the respondents and the OA has become infructuous.

5. The OA is accordingly disposed of. No order as to costs.


MEMBER(J)


MEMBER(A)