

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Dated Friday the twentyseventh day of January, one thousand nine hundred and eighty nine.

Present

Hon'ble S P Mukerji, Vice Chairman.

ORIGINAL APPLICATION NO 53/89

PU Padmanabhan : Applicant

Vs

- 1 Union of India rep.
by the Secretary
Ministry of Communication
New Delhi
- 2 The Senior Superintendent, RMS
Trivandrum Division
Trivandrum- 695003
- 3 The Post Master General
Trivandrum
- 4 The Director of Postal Services
Head Quarters, Trivandrum... Respondents

M/s MK Damodaran, CT Ravikumar,
Anil Kumar & KS Saira : Counsel of Applicant
Shri P.V. Madhavan Nambiar : Counsel for Respondents
SCGSC

ORDER

Hon'ble SP Mukerji, Vice Chairman

Heard the learned counsel for the applicant and
of the respondent.

- 2 In this application, the applicant has
prayed for payment of subsistence allowance during
the period of his suspension commencing from 15.7.81.

As a result of disciplinary proceedings he was originally removed from service and that order was upheld right upto the level of the P & T Board. The applicant ^{has} approached the Hon'ble High Court of Kerala by a Writ Petition which was transferred to this Tribunal and this Bench of the Tribunal delivered a judgement on 26.2.88 in TA No.K 642/87 reduced the penalty of removal to that of reinstatement with ^{qualification} immediate effect with the ~~convervations~~ that " his period of absence between 15.7.81 and the date of reinstatement should be considered as 'dies-non' without any salary or allowances". Since this judgement has neither been sought to be reviewed or ^{been} set aside by an Appellate Court, the applicant is bound by it. The learned counsel for the applicant, however, states that the recovery of subsistence allowance @ Rs 250/- per month is too harsh on him. Accordingly, while dismissing the main application under ~~Section~~ 19(3) of the Administrative Tribunals Act, I direct that the recovery of the subsistence allowance may be made @ Rs 150/- per month with necessary adjustments in the last instalment.

52/2
(S P Mukerji)
Vice Chairman
27.1.89