

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 515/2009

This the 16th day of December, 2009

Hon'ble Ms.Sadhna Srivastava, Member (J)
Hon'ble Dr.A.K. Mishra, Member (A)

Ravi Kant Pandey aged about 38 years son of late Sri Hari Kishore Pandey, resident of 156, Shankaracharya Nagar, Near Bypass, Semra Gaon, P.S., Naubasta, District- Kanpur Nagar, presently posted as Junior Accounts Officer, Bharat Sanchar Nigam Limited, Office of TDM, Unnao.

Applicant

By Advocate: Sri R.K. Mishra

Versus

1. Managing Director, BSNL, 20, Ashok Road, New Delhi.
2. General Manager (Finance) U.P. (E) Telecom Circle, Lucknow.

Respondents

By Advocate: Sri G.S.Sikarwar.

ORDER (ORAL)

Hon'ble Ms. Sadhna Srivastava, Member (J)

The applicant is seeking a direction upon the respondents to quash the order of suspension dated 2.7.2008. Further, there is a prayer to pay subsistence allowance.

2. Sri G.S.Sikarwar, Counsel for respondents raises a preliminary objection that this O.A. is not maintainable because the suspension order is appealable and applicant has not filed any appeal against the suspension order. Therefore, the O.A. is liable to be dismissed on the ground that he failed to avail the departmental remedy available to him.
3. The applicant has filed representation regarding payment of subsistence allowance which is still pending. The applicant is not being paid subsistence allowance since 2.7.2008. Admittedly, no appeal against the suspension order has been filed.
4. In view of the above, the O.A. is disposed of at the admission stage itself by giving a direction to the competent



authority to decide the representation of the applicant regarding payment of subsistence allowance expeditiously and make payment of the subsistence allowance which is due according to rule. Liberty is granted to the applicant to file an appeal against the suspension order before the competent authority within a period of 15 days hereof and the respondents after receipt of the appeal, shall decide the same on merit without going into limitation within a period of six weeks hereof. With this direction, O.A. is disposed of. No costs.


(Dr. A.K. Mishra)

Member (A)


(Sadhna Srivastava)

Member (J)

HLS/-