

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

(A3)

O.A.No. 362/90(L)

Chhedi Lal

Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. Justice K. Nath, V.C.
Hon. Mr. M.Y. Priolkar, A.M.

(By Hon. Mr. Justice K. Nath, V.C.)

We have heard the learned counsel for the applicant. The only prayer sought in this case is to direct the respondents to pay the applicant's subsistence allowance with effect from March, 1990 pending the departmental disciplinary enquiry.

Annexure 1 is order dated 26.2.90 whereby the applicant was placed under suspension in contemplation of a departmental disciplinary enquiry. The order contains a direction for payment of subsistence allowance @ half of the pay and all allowances. According to the facts stated in the petition, the charge sheet dated 22.5.90 was served upon the applicant on 31.5.90 in respect of which he gave his reply dated 16.6.90 requiring, interalia, the payment of his subsistence allowance. It is stated that the enquiry is still pending but the applicant has not been paid any subsistence allowance whatsoever.

We do not think it necessary to keep the case pending because we find that the applicant's claim

ADM

for subsistence allowance is substantiated not only by the applicable rules, but also by the suspension order itself. If the respondents have paid the subsistence allowance then nothing would be needed to be done in that direction but we do not think that the applicant has come up with a ^{false} case for non-payment.

We, therefore, dispose of this application with a direction to the respondents to pay the arrears of the applicant's subsistence allowance from March, 1990 in terms of the suspension order (Annexure -1), if not already paid within a period of one month from the date of receipt of copy of this judgment. We further direct that the respondents will continue to pay subsistence allowance in future till the disposal of the disciplinary proceedings unless the order is modified by the competent authority.

A.M.

V.C.

Lucknow Dated: Nov. 15, 1990.