

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Original Application No. 404/2011

This, the 1<sup>st</sup> day of November, 2011

**Hon'ble Mr. Justice Alok Kumar Singh, Member (J)**

**Hon'ble Sri S.P.Singh, MEMBER (A)**

Bhagwan Deen son of Devi Lal aged about 46 years resident of village and Post Alima, Police Station Imlaiya Sultanpur, District-Sultanpur

Applicant.

By Advocate: Sri Pankaj Shukla

Versus

1. Union of India through the Secretary, Department of Communication (Postal), New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Superintendent of Post Offices, Sitapur Division, Sitapur.

Respondents.

By Advocate: Sri Ganga Singh

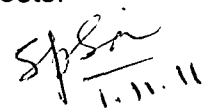
**ORDER (Dictated in Open Court)**

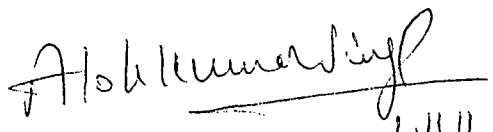
**By Hon'ble Mr. Justice Alok Kumar Singh , Member (J)**

The applicant claims himself to be GDSMD who has been put off duty w.e.f. 6.5.2009. The applicant has impugned that order. He also says that a representation dated 25.8.2011 moved by him is still pending (Annexure -3). In this representation, the applicant has claimed subsistence allowance since 6.5.2009 and he has also requested for postponement of the departmental proceedings till the criminal trial is pending. Firstly, he being GDSMD working as BPM(GDS) does not appear to have any right of subsistence allowance which is admissible during suspension to a regular employee of the cadre of the department concerned. It was brought to the notice from the other side that an FIR has been lodged under case Crime No. 507/2009 u/s 419/420 of IPC etc. and he was also sent to jail. Admittedly, the trial is still pending. But in the entire O.A., no where these facts have been disclosed. Apparently, the applicant has not come before this

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Tribunal with clean hands and therefore, on this ground itself, this  
O.A. deserves to be and is accordingly dismissed. No order as to  
costs.

  
(S.P. Singh)  
Member (A)

  
(Justice Alok Kumar Singh)  
Member (J)

HLS/-