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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH AT LUCKNOW.

Registration (O.A.) No. 294 of 1989 (L)

Shanti Prasad Agarwal Applicant.

Versus

Union of India & others Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

This application, under Section 19 of the Administrative Tribunals Act, 1985, is for issue of an order to quash the order dated 9.8.1989, contained in Annexure 'III', placing the applicant under suspension in contemplation of disciplinary enquiry.

2. The learned counsel for the applicant, Sri P.N. Mathur, says that neither the applicant has been paid any subsistence allowance nor any charge-sheet has been served upon him. Dr. Dinesh Chandra, learned counsel appearing on behalf of the respondents, says that the orders for subsistence allowance had been passed and that a copy of the charge-sheet had been sent to the applicant which he refused to receive.

3. Be that as it may, the learned counsel for the respondents tenders to and the learned counsel for the applicant ^{who} accepts on behalf of the applicant a copy of the charge-sheet as well as a copy of the order for payment of subsistence allowance in Court today. Sri Mathur says that the order for payment of subsistence allowance deserves to be reviewed in view of the standing

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instructions of the Government, and that the papers which are purported to be used to sustain the charges have not been furnished to the applicant. It goes without saying that the papers have to be furnished in accordance with the rules and the circumstances of each case and the subsistence allowance matter has to be reviewed from time to time in accordance with the orders of the Government on the subject.

4. In view of the changed situation this application is disposed of as infructuous, but it is expected that the respondents will review the orders for payment of subsistence allowance in accordance with the rules and will also furnish to the applicant such documents which are referred to in the charge-sheet as early as possible, say within a month, in order to enable the applicant to file a reply to the charge-sheet.

GSR/awm

MEMBER (A).

GB

VICE-CHAIRMAN.

Dated: December 4, 1989.

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