

Central Administrative Tribunal Lucknow Bench Lucknow.

Original Application No. 454/2009

This, the 16th day of November, 2009

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

Hon'ble Dr. A. K. Mishra, Member (A)

Ajay Mishra aged about 29 years son of Late Keda Nath Mishra resident of MIG, 1222, Ratan Lal Nagar P.S. Govind Nagar, City and District Kanpur presently posted as Telecom Mechanic, BSNL, Civil Unnao.

Applicant

By Advocate Sri R.K. Mishra.

Versus

1. Managing Director, BSNL, 20, Ashoka Road, New Delhi.
2. Chief General Manager, North East Region, BSNL, Lucknow.
3. Divisional Engineer (Administration), Office of the Telecom District Manager, Unnao.
4. District Manager, BSNL, Priya Darshini Nargar, Unnao.

Respondents

By Advocate Sri G.S. Sikarwar.

Order (Oral)


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

By means of this O.A., the applicant has challenged the order dated 4.7.2008 whereby, he has been put under suspension. The aforesaid suspension order has been reviewed and extended subsequently. Further, there is a prayer to direct the respondents to pay subsistence allowance w.e.f. 4.7.2008. At the out set, the counsel for the applicant states that at this stage, he is not pressing the relief regarding quashing of suspension order. As regards, payment of subsistence allowance, the contention of the applicant is that he has not received single penny towards subsistence allowance. Therefore, his prayer is to direct the respondents to pay the same. It is further stated that he approached the respondents for payment of the same, but till date nothing has been paid to him.

The counsel for the respondents raised a preliminary objection that the Original Application is premature as the applicant has not made any representation before the respondents for payment of subsistence allowance.

After hearing the counsel for the parties, we are of the view that the O.A. can be disposed of at the admission stage by giving a direction to the applicant to make a representation before the competent authority within a week for release of subsistence allowance and the competent respondent is directed to decide the same by reasoned and speaking order. In case, the applicant is found entitled for receipt of subsistence allowance, the same should be paid expeditiously.

Accordingly, the O.A. is disposed of without any order as to costs.


(Dr. A. K. Mishra)
Member (A)


(Ms. Sadhna Srivastava)
Member (J)