

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW BOMBAY BENCH

O.A. No.

735/89

198

T.A. No.

DATE OF DECISION 1.2.1990

N.G. Patel

Petitioner

Mr. E.K. Thomas

Advocate for the Petitioner(s)

Versus

Union of India &amp; Others

Respondent

Mr. V.S. Masurkar.

Advocate for the Respondent(s)

### CORAM

The Hon'ble Mr. M.B. Mujumdar, Member (J),

The Hon'ble Mr. M.Y. Priolkar, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?

Yes

2. To be referred to the Reporter or not ?

No

3. Whether their Lordships wish to see the fair copy of the Judgement ?

No

4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

(h)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.735/89.

N.Govindbhai Patel.

... Applicant.

V/s.

Union of India & Others

... Respondents.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar,  
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:

Mr.E.K.Thomas, advocate  
for the applicant and  
Mr.V.S.Masurkar, advocate  
for the respondents.

Oral Judgment:

{Per Shri M.B.Mujumdar, Member(J)}

Dated: 1.2.1990

The applicant is working with the respondents as Assistant Engineer. By order dt. 16.7.1985 he is placed under suspension because of some criminal offence was being investigated. After completing investigation a charge sheet is filed against him in the Court of the Special Judge at Bombay under sections 120 (B) and 161 of the Indian Penal Code and section 52 read with 51(b) of the Prevention of Corruption Act, 1947. The case is numbered as Special Case No.44/85 and it is still pending.

2. The applicant has filed this application on that 21.9.1989 alleging his pay is not re-fixed w.e.f.

1.1.1986 on the basis of the recommendations of the IVth Pay Commission. As such he is getting subsistence allowance on the basis of his un-revised pay. He has requested for revising his subsistence allowance after re-fixing his pay on the basis of the IVth Pay Commission

...2.

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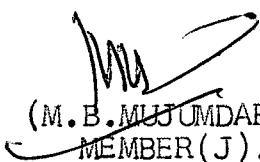
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Report, w.e.f. 1.1.1986.

3. In similar circumstances we had directed the respondents in some other cases to pay subsistence allowance on the basis of the revised pay as per the recommendations of the IVth Pay Commission. The applicant has relied on ~~one~~ such order passed in Original Application No.132/88 on 21.3.1989. He has produced a copy of that order at page 9A of the application. But, today Mr. Masurkar, learned advocate for the respondents has produced before us a copy of the order passed by the Supreme Court on 18.12.1989. The order shows that the respondents in O.A. 132/88 have preferred S.L.P. in the Supreme Court against the order passed by us on 21.3.1989 which is at page 9A of the application. The Supreme Court has condoned the delay, issued notice to the respondent (i.e. Shri Shripad Laxman Pol, the applicant in O.A. 132/88) and directed that in the meanwhile payment of subsistence allowance will be made at the rate of 75% of the old scale. Mr. Masurkar stated that the applicant before us i.e. Mr. N.G. Patel is getting subsistence allowance at the rate of 75% of the old scale.

4. Hence after hearing Mr. E.K. Thomas, learned advocate for the applicant and Mr. V.S. Masurkar, learned advocate for the respondents we dispose of this application finally with a direction that the respondents shall implement the order of the Supreme Court on the SLP preferred by the respondents in O.A. 132/88 against the order of this Tribunal dt. 21.3.1989, in respect of the applicant in this case also. There will be no order as to costs.

  
(M.Y. PRIOLKAR)  
MEMBER (A)

  
(M.B. MUJUMDAR)  
MEMBER (J).