

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1014/96

Date of Decision: 5.9.1997

A.R.Pimpalwar

Applicant.

Shri P.G.Zare.

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri K.D.Kelkar.

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice-Chairman,

Hon'ble Shri. P.P.Srivastava, Member(A).

(1) To be referred to the Reporter or not? *~~~~~*

(2) Whether it needs to be circulated to *~~~~~*
other Benches of the Tribunal?

R.G.Vaidyanatha
(R.G.Vaidyanatha)
Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 1014/1996.

Friday, this the Fifth day of September, 1997.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri P.P.Srivastava, Member(A).

A.R.Pimpalwar,
No.35, Income Tax Colony,
Pratap Nagar,
Nagpur.

... Applicant.

(By Advocate Shri P.G.Zare)

W/s.

1. Union of India through
the Chairman,
Central Board of Direct Taxes,
Ministry of Finance, Department
of Revenue, North Block,
New Delhi.

2. The Under Secretary to the
Government of India,
Ministry of Finance,
Department of Revenue,
Central Board of Direct Taxes,
New Delhi.

3. The Chief Commissioner of Income-tax,
Pune, Sadhu Waswani Road,
Pune.

4. The Commissioner of Income-tax,
Revenue Building,
Nasik.

... Respondents.

(By Shri K.D.Kelkar, Advocate)

O R D E R

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicant
challenging the order of suspension and also seeking
enhancement of subsistence allowance.

After hearing both the sides, we do not find that
it is a fit case for admission. Normally, the question of

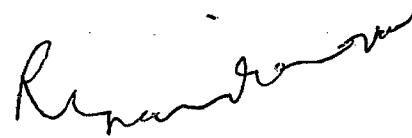
keeping an officer under suspension is a prerogative of the Administration taking into consideration the facts of the case in public interest. One of the grievance of the applicant is that his representation for reviewing the order of suspension and to revoke the same has not been considered by the respondents and no orders are passed on the representations. Even the learned counsel for the Respondents submitted that the representations are under consideration of the respondents. We feel that a direction should be issued to the respondents to consider the representation and pass a speaking order according to law.

As far as the grievance of the applicant about the enhancement of subsistence allowance is concerned, we only say that the respondents should consider the same and pass appropriate orders according to law, if under rules the applicant is entitled to enhancement of subsistence allowance the respondents can grant the same.

2. In the result, the application is disposed of at the admission stage with a direction to the respondents to dispose of the representation of the applicant for revocation of suspension by passing a speaking order within a period of two months from the date of receipt of this order. The respondents may also consider enhancement of subsistence allowance according to rules. No costs.



(P.P.SRIVASTAVA)
MEMBER(A)



(R.G.VAIDYANATHA)
VICE-CHAIRMAN

B.