

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.1122/1996

Dated this Wednesday, the 18th Day of April, 2001.

Shri S.B.Kulkarni Applicant

(Applicant by Shri S.P.Kulkarni, Adv.)

Versus

UDI & Ors. Respondents

(Respondents by Shri P.M.Pradhan, Adv.)

CORAM

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

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

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

(3) Library.


(Kuldip Singh)
Member (J)

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI.

Original Application No.1122/96

Date of Decision: Wednesday, the 18th Day of April, 2001

CORAM: HON'BLE SHRI KULDIP SINGH, MEMBER (J)
HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

Shri Sudhakar S/o Bhagwant Kulkarni,
S/o Bhagwant Kulkarni,
Age: 50 Years,
Working as: Postal Assistant,
Osmanabad Head Post Office
Osmanabad
R/At: 1/263, Tambri Vibhag,
Limbard Baug, Osmanabad,
Dist. Osmanabad 413 501. Applicant

(Applicant by Shri S.P.Kulkarni, Advocate)

vs.

Union of India
through

1. Superintendent of Post Offices,
Osmanabad Division,
Osmanabad-413 501.
2. The Postmaster General,
Aurangabad Region,
Aurangabad 431002. Respondents
(Respondents by Shri P.M.Pradhan, Advocate)

O R D E R (ORAL)

[Per: Kuldip Singh, Member (J)]:

Learned Counsels Shri S.P.Kulkarni for the Applicant and
Shri P.M. Pradhan for the Respondents are heard.

2. The Applicant in this O.A. are seeking the following
reliefs:

KA

(a) This Hon'ble Tribunal be pleased to hold and declare Order dated 25.08.1995 treating the period from 20.08.1993 to 05.07.1995 as suspension as illegal and violative of FB-54-A (2) (i) or (ii) as no prior notice was issued to him.

(b) Hold and declare Orders dated 25.03.1993, 8/15.06.1992, 05.01.1993, 11.03.1993, 10.07.1995, 20.11.1995, 06.10.1995 and 10.01.1996, 03.04.1996 as arbitrary and violative of FR-53 (i) (ii) (a) (i) in as much as the rate of Subsistence allowance was neither enhanced nor reduced.

(c) Direct Respondents to hold review of all the above impugned orders and revise the rate of Subsistence enhancing it by 50%. Due to the fact that applicant was not responsible for delay and pay arrears within 2 months.

(d) Direct Respondents to conclude Disciplinary Proceedings within 3 months and if not concluded, the Suspension be revoked on expiry of 90 days.

(e) Hold and declare that the applicant was not responsible for delay in concluding Disciplinary Proceedings during 11.02.1993 to 30.04.1993 and to 02.05.1993 to 09.07.1995 and direct further to hold Special Review Subsistence allowance for this period.

(f) Any other and such further relief as may be deemed fit and proper by this Hon'ble Tribunal.

(g) Cost if awarded, be paid to the Applicant.

The learned Counsel for the Applicant confined his arguments only on reliefs No.a, b & c.

2. The facts in brief are that the Applicant was a regular and permanent employee of the Postal Department. He was recruited as Postal Assistant in Osmanabad postal Division and was working as a Time Scale Sub-Postmaster at Osmanabad Town Sub Post Office during 1991-92. The Applicant was involved in a criminal case. He was, therefore, put under deemed

suspension. After his acquittal by the Criminal Court he was reinstated on 3.7.1995 and the period between dismissal and the reinstatement i.e. 20.8.1993 to 5.7.1995 was treated as Suspension for all purposes. The Applicant was again suspended and the Departmental Proceedings against the Applicant was initiated and Inquiry culminated into punishment Order. The Applicant has filed an appeal against the order passed by the Disciplinary Authority.

3. However, the main grievance in this case is so long as the suspension was there the Respondents had not reviewed the orders regarding subsistence allowance as stated in para 8 (b) of the O.A. and the enhancement of rate of subsistence allowance at 50% (para 8 (c) is not done. They have not reviewed the subsistence allowance either way. It is submitted by the Learned Counsel for the Applicant that the Respondents should be directed at least to pass orders in accordance with Rules and instructions on the subject as per judicial pronouncements issued from time to time on this issue.

4. Learned Counsel for Respondents fairly concedes that the Department shall pass the orders regarding reviewing the subsistence allowance;

5. In view of these circumstances, the Respondents are directed to pass the Order reviewing subsistence allowance within a period of 2 months from the date of receipt of a copy of this order. The O.A. is disposed of with the above directions. No costs.

Shanta S
(Smt. Shanta Shastry)
Member (A)

sj*

Kuldip Singh
(Kuldip Singh)
Member (J)