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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 149/2001

THURSDAY, THE 16TH DAY OF AUGUST, 2001

CORAM: SHRI JUSTICE ASHOK AGARWAL.  
SHRI G.C. SRIVASTAVA.

CHAIRMAN.  
MEMBER (A)

Shri S.Y. Kankonkar,  
Helper Khalasi (under suspension)  
working under executive control of  
Sr. Divisional Electrical Engineer,  
(TRS)/Central Railway, Kurla.

Applicant

By Advocate Shri K.B. Talreja.

Versus

1. The Union of India,  
through the General Manager,  
Central Railway,  
Mumbai CST.

2. The Senior Divisional Electrical  
Engineer, Central Railway,  
Kurla.

Respondents

By Advocate Shri V.D. Vadavkar.

O R D E R (ORAL)

Shri G.C. Srivastava.

.. Member (A)

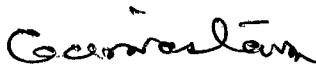
In this OA the applicant has prayed for directions to the respondents to increase his subsistence allowance from 50% to 75% after expiry period of three months i.e. from 22.12.1998 till the time suspension is revoked as also to pay full wages from the date of dismissal to the date of cancellation of dismissal order.


...2.

2. The learned counsel for the respondents has shown the concerned file to us and it is found from the notings that the matter regarding subsistence allowance was considered by the competent authority on 31.1.1999 and it was decided not to increase the same from 50% to 75%. As per rules, a periodical review is required to be conducted so as to consider the question of reduction/ enhancement etc. We found that no further review has been conducted. In the circumstances, we direct the respondents to conduct the review once again and consider the case of the applicant for increasing the subsistence allowance and pass a proper speaking order.

3. As far as the second prayer is concerned i.e. payment of full wages for the period from the date of dismissal to the date of cancellation of dismissal order, the learned counsel for the respondents has shown us clause 1343 (2) of IREC Volume II, wherein it is stated that "where the authority competent to order re-instatement is of opinion that the railway servant who had been dismissed, removed or compulsorily retired has been fully exonerated, the railway servant shall, subject to the provisions of sub-rule (6) be paid the full pay and allowances to which he would have been


entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be". In this case, the order of removal has been set aside and according to the respondents fresh inquiry has been initiated and the inquiry is going on. Therefore, at this stage, there is no question of deciding the payment of wages does not arise. In view of this, the prayer for payment of wages is concerned, the same is rejected. With the above direction this OA is disposed of.

  
(G.C. SRIVASTAVA)  
MEMBER (A)

  
(ASHOK AGARWAL)  
CHAIRMAN

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dt. 16/8/01

  
dt. 16/9/01

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