

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO. 1022/01 of 2001.

Dated this Thursday, the 14th day of February, 2002.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Er. K.V. Praesadarao,
R/o. Type 'C' 1208,
Nehru Nagar,
Nashik Road - 422 101. ... Applicant.

(In Person) :

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Union of India through
The Deputy General Manager,
India Security Press,
Nashik Road - 422 101. ... Respondents.

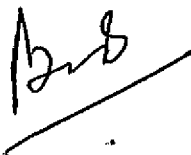
(By Advocate Shri V. S. Masurkar) :

O R D E R (ORAL)

PER : Shri B. N. Bahadur, Member (A).

Applicant in Person. Shri V. S. Masurkar for the
Respondents.

2. At the outset, I have heard both sides on M.P. No. 1022/01, which Applicant states, was not heard earlier. Prayer (A) & (B) of this M.P. have been seen. In regard to prayer (A), the Learned Counsel for Respondents states that per directions vide Roznama order dated 25.01.2002 all possible records will be produced if required by Tribunal, and this includes documents referred to also. In regard to Prayer (B) it has to be rejected summarily in view of the unfortunate remarks made therein. Prayer (B) is rejected. M.P. No. 1022/01 therefore stands disposed of accordingly. :



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3. The O.A. was then taken up for hearing and the Applicant again pressed that records be seen. I have been provided with the relevant original file in the case. I have seen the relevant part which pertains to the issue of enhancement of Subsistence Allowance to the applicant. This is a note dated 02.02.2001 initiated by F.A.&C.A.O. and decided finally by the General Manager (G.M.). This is discussed ahead.

4. I have heard the Applicant in person, and have also heard the Learned Counsel for Respondents, Shri V.S. Masurkar. The Applicant stated that a decision is being delayed and he is suffering. The other arguments he tried to make was with reference to facts in criminal case, which naturally cannot be gone into by this Tribunal.

5. The issue in this O.A. can be decided with reference to this Note of 02.02.2001, where the matter has been considered by Respondents. It is seen that the question of considering the increase in rate of Subsistence Allowance from 50% to 75% has not yet been decided. It is seen from the above note that some reports are called for to decide the issue whether the Applicant is co-operating in the criminal case or not. Be that as it may, the period of three months from the date of suspension ended on 10.07.2001 and we are now in February, 2002. Even though it is fully justified on the part of the Respondents to try to ascertain facts, as they are doing in terms of the note of

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02.02.2001 (page N/58). it cannot be gainsaid that the time taken beyond July till today is far too much in excess of what should have been required for this purpose. It will now be justifiable, therefore, to dispose of this O.A. with directions to the Respondents to take a decision on this issue within a time frame.

5. This O.A. is accordingly disposed of with the following directions/orders :-

(i) The Respondents are directed to take a decision regarding enhancement of subsistence allowance on merits, within a period of one month from the date of receipt of a copy of this order alongwith reasons. The applicant should be informed of the decision taken. In case the Applicant is aggrieved by such a decision, he is free to come up to this Tribunal in accordance with law.

(ii) There will be no orders as to costs.

B. N. Bahadur

(B. N. BAHADUR)
MEMBER (A).

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

CP.No.46/2002 in
OA NO.830/2001

7TH JUNE, 2002

Heard Shri K.V.Prasadrao, applicant in person. Shri V.S.Masurkar, Counsel for Respondents.

"A Single Bench by order dated 14/2/2002 directed respondents to take a decision regarding enhancement of subsistence allowance within one month from date of receipt of copy of the order. The decision has been taken by respondents on 19/2/2002.

The applicant states that while enhancing subsistence allowance on 19/3/2002, the suspension was also revoked. He contends that the two orders could not be passed on same day. It is not necessary for us to go into the question in respect of effect of the two orders passed on same day. Be it as it is, we do not consider it necessary to take action under Contempt of Court Act as the order stands complied with. In case applicant has any grievance against the compliance of order, if he has another remedy under law then alone he can get his grievance redressed.

CP-46/2002 fails and is dismissed.

Copy of order on CP-46/2002 be issued to the applicant by 18/6/2002.

Shanta S
(SMT. SHANTA SHASTRY)
MEMBER(A)

B. Dikshit
(BIRENDRA DIKSHIT)
VICE CHAIRMAN

abp

Notice dt: 7.6.2002.
Order/Judgment despatched
to Applicant/Respondent(s)
on 25.6.2002.

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26/6.