

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.477/2001

Dated this, ~~Thursday~~, the 19th Day of July, 2001.

Shri Madhukar Hiraman Kasture . . . Applicant
(Applicant in person)

Versus

UOI & Ors. . . Respondents
(Respondents by none.)

CORAM:

HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN
HON'BLE SHRI M.P. SINGH, MEMBER (A)

- (1) To be referred to the Reporter or not? No
- (2) Whether it needs to be circulated to No other Benches of the Tribunal?
- (3) Library. No

B. Dikshit

(Birendra Dikshit)
Vice Chairman

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No.477/2001

DATE OF DECISION: 19.7.2001

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN
HON'BLE SHRI M.P.SINGH, MEMBER (A)

Shri Madhukar Hiraman Kasture,
Janata Nagar, Chawla No.10,
R.No.208, P.Y. Thorat Marg,
Chembur (W),
Mumbai 400 089. Applicant
(Applicant in person)

vs.

- 1) The Secretary
to the Govt. of India
Ministry of Communication
Dept. of Telecommunication
Sanchar Bhavan,
New Delhi 1.
- 2) Chief General Manager,
Maharashtra Telecom Circle
8th Floor, Fountain Telecom Bldg. No.2..
Fort, Mumbai 400 023.
- 3) Dy. General Manager (CCF)
Maharashtra Telecom Circle
2nd floor, Telephone House
Dadar (W), Mumbai 400 028.
- 4) Chief General Manager,
Mahanagar Telephone Nigam Ltd.
Mumbai 15th Floor,
Telephone House,
V.S.Marg, Dadar (W),
Mumbai 400 028.
- 5) General Manager (East-I)
Mahanagar Telephone Nigam Ltd.
Mumbai, 1st Floor,
Kailash Commercial Complex,
L.B.S. Marg,
Vikhroli (W),
Mumbai 400 083. Respondents
(Respondents by none)

..2/-

B. O. 2001

ORDER (ORAL)

[Per: Justice Birendra Dikshit, Vice Chairman]:

Heard Applicant in person. The Applicant while working as Lower Division Clerk with Respondents was suspended in respect of a criminal offence which was under investigation at relevant time on 21.12.1993. He was put to trial. He was convicted by Special Judge (CBI), Greater Mumbai, sentence awarded being six months S.I. under section 7 of Prevention of Corruption Act and also under section 13 (2) read with section 13 (1) (d) of the Prevention of Corruption Act to suffer one year S.I. beside to pay fine of Rs.2,000/- on both counts. He preferred an appeal. According to the averments made in Petition, he has been granted bail.

2. The Applicant's case is that he was exonerated in departmental proceeding and on that basis he contends that as he has been exonerated in Departmental Enquiry in respect of incident in question, the suspension order was liable to be quashed. From averment made in application, he has earlier challenged suspension order on some ground by filing of O.A. No.623/95 before this Tribunal after conviction, which was dismissed on 1.2.2000. Now new facts are being brought to our notice hence no relief can be given on that count.

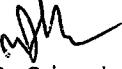
3. His other arguement is that he is entitled for subsistence allowance. It is admitted to applicant that he has been removed from service w.e.f. 17.11.1999. As the applicant has been removed from service due to conviction, he ceases to be suspended employee and, therefore, he is not entitled for subsistence allowance. He happens to be an employee whose

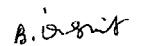
B. O. S. K.

contract of service has come to an end on his removal from service. His suspension stands merged in order of removal and therefore, he is not entitled for any relief.

4. He has also submitted that it is very difficult to survive in these hard days without subsistence allowance pending appeal and therefore, the subsistence allowance be restored. He is not right in demanding subsistence allowance. As stated earlier, he is not entitled for it as his conviction stands and the only effect of being granted bail in appeal is that the sentence stands suspended. No relief can be granted at this stage.

5. The O.A. is dismissed. No costs.


(M.P.Singh)
Member (A)
sj*


(Birendra Dikshit)
Vice Chairman