

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 8-12-87

APPLICATION NO

860 /87 (T)

W.P.No.

294/83 in the Court of Principal Munsiff,
Bellary

APPLICANT

Vs

RESPONDENTS

Shri V. Suryanarayana Rao

The Secy, M/o Communication, New Delhi

To

1. Shri V. Suryanarayana Rao
Postal Assistant
District Board Post Office
Fort
Bellary
2. The Secretary
Ministry of Communication
Department of Postse & Telegraphs
Sanchar Bhavan
New Delhi - 110 001
3. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~/copy~~

~~XXXXXX ORDER~~ passed by this Tribunal in the above said application
on 1-12-87.

RECEIVED 9/12/87 (3) com's

Diary No. 1481/cr-157

Date: 10-12-87

Encl: as above.

DEPUTY REGISTRAR
(JUDICIAL)

de

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 1st DAY OF DECEMBER, 1987

Present : Hon'ble Justice Sri K.S.PUTTASWAMY Vice-Chairman
Hon'ble Sri P.Srinivasan Member (A)

APPLICATION No. 860/87

V.Suryanarayana Rao,
Postal Assistant,
District Board Post Officer,
Bort, Bellary. ... Applicant

vs.

Union of India,
by Secretary,
M/o Communication,
Posts & Telegraphs Department,
Sanchar Bhavan, New Delhi. ... Respondent

(Sri M.S.Padmaraajaiah ... Advocate)

This application has come up before the Tribunal today. Hon'ble Sri P.Srinivasan, Member (A) made the following :

ORDER

This is a transferred application which originated as a Suit before the Principal Munsiff, Bellary. The applicant is working as a Postal Assistant in the Post and Telegraphs Department at Bellary. He was suspended from service by order dated 20.9.72 pending initiation of disciplinary proceedings. The order of suspension was, however, revoked by order dated 31.3.1973 while the proceedings were still going on. By order dated 28.8.1975 the Disciplinary Authority viz. the Supdt. of Post Offices passed an order imposing the punishment of Censure on the applicant. The applicant's grievance in this application is that after his suspension was revoked



P. Srinivasan

he was not paid pay and allowances for the period of suspension and that the Department had not at any time stated that he was not entitled to pay for the said period.

2. When the application was called out today neither the applicant nor his counsel was present. We notice that the matter was fixed once before on 3.11.1987 and on that day also neither the applicant nor his counsel was present. The applicant as well as his counsel were separately notified of the first date of hearing on 3.11.1987 and again of the second date of hearing fixed for today. In spite of the fact that the notices were duly served on them well before the date of hearing on each occasion neither has chosen to appear on either date. In the circumstances we have no alternative but to proceed with the hearing of the application with the assistance of Sri M.S.Padmarajaiah, learned counsel for the respondents.

3. On behalf of the respondents, the records were produced and shown to us. We find that an order was passed by the Supdt. of Post Offices, Chitradurga on 3.1.1976 regulating the pay and allowances of the applicant for the period during which he was under suspension. This order has been passed in pursuance of Fr 54B(5). The said sub-rule (5) provides that in cases not falling under sub-rules(2) and (3) of the said rule 54B, the Government servant shall be paid "such amount not being the whole of the pay and allowances to which he would have been entitled had he not been suspended as the competent authority may determine, after giving notice to the Government servant of the quantum

P. J. S.



proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed 60 days from the date on which the notice had been served) as may be specified in the notice" (emphasis supplied). The amount payable to a Government servant during the period of suspension has, therefore, to be determined by the competent authority. It cannot be the whole of the pay and allowances payable while not under suspension. Before fixing the amount, the authority has to give notice to the Government servant and, if he files his representation thereon within the time stipulated, has to consider his objections. We find that in the present case a show-cause notice was issued to the applicant on 10.12.1975 as to why he should not be paid subsistence allowances as on suspension for the period from 20.9.1972 to 31.3.1973. He was given 15 days time to make his representation and he made a representation on 29.12.1975. The authority considered the said representation and came to the conclusion that he should be paid only allowance as if on suspension. The order discusses in detail the objection of the applicant and comes to a reasonable conclusion with which we find no reason to interfere. Since the regulation of pay and allowances for the period of suspension has been ~~regulated~~ ^{made by} in accordance with the rules by the competent authority after considering the matter carefully, this application deserves to be dismissed.

4. In the result the application is dismissed.
Parties to bear their own costs.



- True Copy -

Sd/-

VICE-CHAIRMAN

12/12/87
(1-12-1987)

Sd/-

MEMBER (A)

12/12/87
(1-12-1987)

[Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH
BANGALORE