

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 5 JUL 1993

APPLICATION NO(s). 22 of 1993.

Applicant(s) Sri.K.P.Subbanna

v/s. Respondent(s) Seperintendent of
Post Offices, Mysore.

To

1. Sri.K.P.Subbanna,
S/o.Puttaswemappa,
Branch Post Master,
Chamarejanager Taluk,
Nanjangud Division,
Mysore.
2. Sri.M.Raghavendre Achar,
Advocate, No.1074 & 1075,
Fourth Cross,
Srinivasaenager Second Phase,
Banashankari First Stage,
Bangalore-560 050.
3. The Superintendent of Post Offices,
Nanjangud Division, Mysore District.
4. Sri.M.Vasudeva Rao,
Central Government Standing Counsel,
High Court Building,
Bangalore-1.

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 15-06-93.

Keenad.
En

a/c for *[Signature]*
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE FIFTEENTH DAY OF JUNE 1993

Present:

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

APPLICATION NO.22/93

K.P. Subbanna,
S/o Puttaswanappa,
Major,
Working as Branch Post Master,
Charanajanagar Taluk,
Nanjangud Division, Mysore.

... Applicant

[Shri M.R. Achar ... Advocate]

v.

The Superintendent of Post Offices,
Nanjangud Division,
Nanjangud,
Mysore District.

... Respondents

[Shri M.Vasudeva Rao ... Advocate]

This application having come up for orders before this Tribunal today, Hon'ble Vice-Chairman, made the following:

ORDER

1. The applicant an EDA in service is said to have been put off duty in the light of ensuing departmental proceedings. He contends that the period of suspension as put off duty in view of an on going enquiry, he should be given subsistence allowance for the period ie., from 22.5.1990 to 10.3.1992. The Department has declined to grant subsistence allowance relying on Rule 9[3] which enjoins non-payment of subsistence allowance during the period under which he is put off duty.

2. The said Rule 9[3] was challenged before this Tribunal which struck down the same. But later on, the respondents have taken



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the matter to the Supreme Court, it appears the Hon'ble Supreme Court stayed the judgment of this Tribunal. The position, therefore, is notwithstanding the quashing of the rule in question by this Tribunal, in the light of the stay order issued by the Supreme Court it continues to be operative and on that basis the Department declined to grant subsistence allowance. Be that as it may all that the applicant now says is that in the light of the decision of the Supreme Court he is prepared to be regulated by the decision of the Supreme Court in the pending matter. Accordingly we dispose of this application with a direction that the rights of the applicant for grant of subsistence allowance will stand regulated in the light of the decision of the Supreme Court in the case of now pending before it in UNION OF INDIA v. PETER D'SA.



Sd-
MEMBER [A]

Sd-
VICE-CHAIRMAN

TRUE COPY

[Signature]
5/7/93
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE