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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 367/93

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DATE OF DECISION 30.7.93

Shri M.P. Ramanujam

Petitioner

Shri G.S. Walia,

Advocate for the Petitioners

Versus

Union of India and others

Respondent

Shri R.K. Shetty.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri V.D. DESHMUKH, Member (J)

The Hon'ble Shri

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
 2. To be referred to the Reporter or not ?
 3. ~~Whether their Lordships wish to see the fair copy of the Judgement ?~~
 4. Whether it needs to be circulated to other Benches of the Tribunal ?
- } rwh


(V.D. DESHMUKH)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 367/93

Shri M.P. Ramanujam,

... Applicant.

V/s.

Union of India through
Chairman, Ministry of Defence
Ordinance Factory Board,
10 -A Oakland Road
Calcutta.

General Manager,
Ammunition Factory,
Kirkee
Pune.

... Respondents.

CORAM: Hon'ble Shri V.D. Deshmukh, Member (J)

Appearance

Shri G.S. Walia, counsel
for the applicant.

Shri R.K. Shetty, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 30.7.93

¶ Per Shri V.D. Deshmukh, Member (J) ¶

The respondents have filed the reply today.
The case is admitted and taken for hearing.

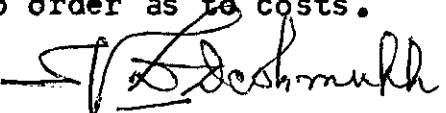
Heard Mr. Walia, for the applicant and
Shri Shetty for the respondents. The short question
which is involved in this application is, whether
the applicant who was under suspension from 31.12.85
was entitled to subsistence allowance with effect from
1.1.86 based on revised pay scale as per the
recommendations of the IVth Pay Commission. The
recommendations of the IVth Pay Commission were admittedly
accepted by the respondents. It has been consistently
held by this Tribunal that the employee under suspension
shall be entitled to subsistence allowance on the basis
of revised pay scale with effect from 1.1.86. The
applicant in this case shall therefore be entitled to
such subsistence allowance from 1.1.86. The applicant
was compulsorily retired. As per the learned counsel

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for the applicant Shri Walia, he was compulsorily retired with effect from 18.3.93. The respondents in para 1 of the written statement have also stated that the applicant continued under suspension till 18.3.83. However in para 5 they have given a different date. Shri Shetty states that the service record of the applicant is not brought today. In any case the applicant will be entitled to subsistence allowance on the basis of revised pay scale as per the recommendations of the IVth Pay Commission from 1.1.86 till the date on which he compulsorily retired. Admittedly the applicant has been paid the subsistence allowance on the basis of pre-revised pay scale for this period and the respondents shall be liable to pay the difference. Hence the following order.

The application is allowed. It is declared that the applicant is entitled to subsistence allowance from 1.1.86 on the basis of revised pay scale as per recommendations of the IVth Pay commission till the date on which he was compulsorily retired. The respondents shall pay to the applicant the difference in the subsistence allowance on the basis of revised pay scale as per the recommendations of the IVth Pay commission and the subsistence allowance on the basis of pre-revised scale for the period from 1.1.86 to the date on which he was compulsorily retired within three months from the date of receipt of copy of the order. The respondents shall consider whether the applicant is entitled to 75% of pay as subsistence allowance with effect from 1.4.86 till the date of his compulsory retirement and interest thereon. If the applicant is still aggrieved in this respect he shall have the liberty to approach this Tribunal.

There shall be no order as to costs.


(V.D. DESHMUKH)
MEMBER (J)