

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 510/97

Date of Decision: 22.9.97

Shri. Vijayakumar Bapurao Survase **Applicant.**

Shri P.A. Prabhakaran. Advocate for
Applicant.

Versus

Union of India and others.¹ Respondent(s)

Shri Wadhavkar for Advocate for
Shri M.I. Sethna. Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri. P.P. Srivastava, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

R. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

NS

IN THE
MUMBAI

ADMINISTRATIVE TRIBUNAL
'LESTAN' BUILDING NO:6
SCOT ROAD, MUMBAI :1

Original Applica No. 510/97

Monday the 22nd day of September 1997.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman
Hon'ble Shri P.P. Srivastava, Member (A)

Vijayakumar Bapurao Survase
26/A6/2, Tarun Apartments
L.I.C. Colony
Borivali (West),
Mumbai.

... Applicant.

By Advocate Shri P.A. Prabhakaran.

V/s.

Union of India through
Secretary, Department of
Revenue, Ministry of Finance,
North Block, New Delhi.

The Director
Enforcement Directorate,
Foreign Exchange Regulation Act,
6th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi.

... Respondents.

By Advocate Shri Wadhavkar for Shri M.I. Sethna.

O R D E R (ORAL)

(Per Shri Justice R.G. Vaidyanatha, Vice Chairman)

This is an application under Section 19 of the Administrative Tribunals Act. The learned counsel for the respondents has opposed. Heard both sides.

2. The applicant has challenged the order of suspension dated 22.8.94. This is a case of applicant being trapped for receiving bribe money and a complaint has been launched by the Police,

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

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CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman
Hon'ble Shri P.P. Srivastava, Member (A)

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O R D E R (ORAL)

(Per Shri Justice R.G. Vaidyanatha, Vice Chairman)

This is an application under Section 19 of the Administrative Tribunals Act. The learned counsel for the respondents has opposed. Heard both sides.

2. The applicant has challenged the order of suspension dated 22.8.94. This is a case of applicant being trapped for receiving bribe money and a complaint has been launched by the Police,

and the CBI has also investigated the case and filed charge sheet, When a criminal case is pending, this Court cannot interfere with the order of suspension. Hence we do not find any merit in admitting the application challenging the order of suspension particularly in view of the pending criminal case.

3. The other grievance of the applicant is about the subsistence allowance. In the written statement the respondents have made it clear that the applicant has been paid subsistence allowance and also enhanced subsistence allowance. There is some dispute about the actual amount to be paid. The applicant may make a representation to the respondents about the actual amount due to him and then the respondents can pass appropriate order on the said representation.

As far as the grievance of promotion is concerned, when a criminal case is pending and that too of a serious nature, this Tribunal cannot interfere with this. Hence we do not find any merit.

4. In the result the O.A. is dismissed at the admission stage itself subject to observation regarding the relief of payment of subsistence allowance.


(P.P. Srivastava)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Review Petition No. 100/97 in
Original Application No. 510/97

Tuesday the 16th day of December 1997.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri P.P. Srivastava, Member (A)

Vijaykumar Bapurao Survase ... Applicant.

V/s.

Union of India and others. ... Respondents.

Tribunal's order on Review Petition by Circulation.

(Per Shri Justice R.G.Vaidyanatha, Vice Chairman.

This Review Petition is filed against the order passed by us dated 22.9.97 in O.A. 510/97. We have perused the Review Petition and the entire case file.

As far as the applicant's grievance seeking adhoc promotion is concerned, ~~the relevance~~ ^{reliance} is placed on the official memorandum dated 14.9.92. The memorandum clearly states that adhoc promotion cannot be considered subject to the condition that only when an officer is not under suspension. Since the applicant is under suspension, the question of considering adhoc promotion under the memorandum does not arise.

As far as the applicant's grievance about quantum of arrears of ~~subsistence~~ allowance is concerned, we have already made it clear that the applicant can make a representation to the department claiming the amount due to him and

If an
when adverse order is passed, the applicant can
always approach this Tribunal by way of separate
O.A. No sufficient grounds made out for condonation of
delay.

In our view no grounds are made out
for reviewing the order dated 22.9.97.

For the above reasons the Review
Petition *No. 726/97 are*
along with M.P. rejected.

PPS
(P.P. Srivastava)
Member (A)

R.G.V
(R.G. Vaidyanatha)
Vice Chairman.

NS