

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. 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? *no*

(2) Whether it needs to be circulated to other Benches of the Tribunal? *no*

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

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IN THE  
MUMBAI

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

Original Application 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 S hri 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 Exchnage Regulation Act,  
6th Floor, Lok Nayak Bhavan,  
Khan Market, New Delhi.

... Respondents.

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

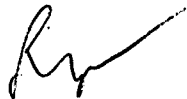
O R D E R (ORAL)

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

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,

...2...



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

Original Application 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  
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Enforcement Directorate,  
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6th Floor, Lok Nayak Bhavan,  
Khan Market, New Delhi.

... Respondents.

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

ORDER (ORAL)

{ Per Shri Justice R.G.Vaidyanatha, Vice Chairkan }

This is an application under Section  
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counsel for the respondents has opposed. Heard both  
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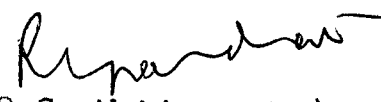
and the CBI has also investigated the case and filed charge sheet. When a criminal case is pending, this Court cannot interfere with the order of suspension. Hence we do not find any merit in admitting the application challenging the order of suspension particularly in view of the pending criminal case.

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 16<sup>th</sup> 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.

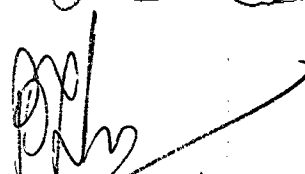
As far as the applicant's grievance seeking adhoc promotion is concerned, <sup>reliance</sup> ~~the relevance~~ is placed on the official memorandum dated 14.9.92. The memorandum clearly states that adhoc promotion cannot be considered subject to the condition that only when an officer is not under suspension.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

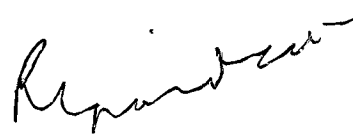
As far as the applicant's grievance about quantum of arrears of subsistence allowance is concerned, we have already made it clear that the applicant can make a representation to the department claiming the amount due to him and

*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 along with M.P. *NO. 726/97 are* rejected.

  
(P.P. Srivastava)  
Member(A)

  
(R.G. Vaidyanatha)  
Vice Chairman.

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