

43

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1104/91

Date of Order: 18-3-1992

BETWEEN:

G.V.Ramana

... Applicant.

A ND

Union of India rep. by

1. The Secretary to Govt. of
India, Department of Posts,
New Delhi - 110 001.
2. The Postmaster General,
Vijayawada Region,
Vijayawada - 520 002.
3. The Supdt. of Post Offices,
Machilipatnam Division,
Machilipatnam - 521 001. ... Respondents.

Counsel for the Applicant .. Mr.T.P.V.Subba Rayudu

Counsel for the Respondents .. Mr.N.Bhaskara Rao, Addl. Sec.

CORAM:

HON'BLE SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

T. S. R.

(HH)

..2..

... IS DELIVERED BY
THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act, by the Applicant herein to revoke the suspension issued under the order of Memo No.F/Misc/90-91 dated 9.7.90, declaring the continuous suspension is arbitrary, illegal and further to direct the respondents to increase subsistence allowance to 50 percent from 10.10.90 onwards to the applicant and to pass such other orders as may be deemed fit and proper in the circumstances of the case.

The facts giving rise to this application in brief, may be stated as follows:

1. The applicant at the relevant time was working as ATR(S) in the Machilipatnam Head Post Office in Krishna District. He was handed over two Demand Drafts worth Rs.16000/- and 20000/- for supply of service stamps to Asst.Accounts Officer, Social Welfare, Krishna and the Superintendent of Police, Krishna, Chilakalapudi respectively. But the applicant did not supply service ^{Postage} stamps worth Rs.36,000/- for the above two offices. It came to light that the applicant had mis-appropriated the said amount of Rs.36,000/- being the proceeds of the drafts without supplying the said service postage stamps.

..3

T - C - R

22/2

145

..3..

In view of the said misappropriation, the applicant was placed under suspension w.e.f. 9.7.90(A/N).

2. After the applicant was placed under suspension, on behalf of the applicant a sum of Rs.5046/- had been credited towards adjustment of non-supply of service postage stamps ~~xxx~~ out of the said misappropriated amount of Rs.36,000/-. So at the time of suspension, subsistence allowance equal to the leave salary which he would have drawn had he been on leave on half average pay or on half pay with dearness allowance as admissible on the basis of such leave salary was fixed to be paid to the applicant. It is the case of the applicant that he had been placed under suspension since 9.7.90 the rate of subsistence allowance has not been increased even after the continued period of suspension beyond three months, which according to the applicant is arbitrary/ ^{and is in violation} of FR 53(1)(ii)a(i). It is also the case of the applicant that the prolonging of his suspension, by not recording reasons attributable to him is also illegal. So it is the case of the applicant that the subsistence allowance is liable to be raised, w.e.f. 10.10.90 onwards as indicated above.

Counter is filed by the respondents opposing this OA.

T - C. R. f

..4

224

40

..4..

4. We have heard Sri TPV Subba Rayudu, advocate for the applicant and Sri N. Bhaskara Rao, Addl.CGSC advocate for the respondents.

5. The accusation against the applicant is that he had allegedly misappropriated a sum of Rs.36,000/-. As already pointed out, while narrating the facts giving rise to this OA, a sum of Rs.5,046/- only had been credited by the applicant on his behalf out of the alleged misappropriated amount of Rs.36,000/-. Admittedly, the applicant had been served with a charge sheet and disciplinary action is in progress as against the applicant for his alleged acts of omission and commission.

6. We have gone through the records that were produced by the respondents and after perusing the records, we are satisfied that the respondents are kept justified in continuing the applicant/under suspension. Hence, we are not prepared to interfere with the orders that are passed by the competent authority in keeping the applicant continuously under suspension.

7. We have also gone through the records and orders passed with regard to the payment of subsistence allowance to the applicant. The applicant had also been intimated as seen from the records that the competent authority had reviewed the case of the applicant and had found no reasons to enhance the subsistence allowance and the same had also been communicated to the applicant vide their letter No.ST/36/Disc/90-91 dated 3.5.91. The said records produced by the respondents reveal that the question of suspension had been reviewed by the Competent Authority and at

T - 10 m

..5

Page

the same time. the quantum of subsistence allowance that had to be paid to the applicant had also been considered. The Departmental Enquiry as against the applicant is still pending. Hence, we do not find any valid reasons at this stage to give any directions to the respondents to increase the subsistence allowance to the applicant. However, keeping in view the interests of justice in mind we feel that it would be appropriate to give suitable directions to the respondents with regard to the increase of subsistence allowance to the applicant if the enquiry as against the applicant is not completed within a reasonable time.

8. Hence, we direct the respondents to complete the enquiry within a period of 4 months from the date of receipt of this order. If the respondents fail to complete the enquiry which is pending as against the applicant within 4 months as ordered above, we direct the respondents to enhance the subsistence allowances that is payable to the applicant in accordance with law provided the applicant does not adopt any dilatory tactics in prolonging the enquiry and also the period of suspension due to reasons that are directly attributable to the applicant. As already pointed out, we see no valid reasons for a direction for revoking the suspension order dated 9.7.90, passed against the applicant.

T. C. N. f

..6..

Hence, the relief prayed by the applicant for giving direction to the respondents for revoking the suspension as against the applicant is rejected. The CA is disposed of accordingly. The parties are directed to bear their own costs.

R. Balasubramanian
(R. BALASUBRAMANIAN)
Member(A)

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member(J)

Dated: 18 March, 1992

823/292
Deputy Registrar(J)

To

1. The Secretary to Govt. of India,
Department of Posts, Union of India, New Delhi-1.
2. The Postmaster General, Vijayawada Region, Vijayawada-2.
3. The Superintendent of Post Offices, Machilipatnam Division,
Machilipatnam-1.
4. One copy to Mr T.P.V. Subba Rayudu, Advocate, CAT.Hyd.
5. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT.Hyd.
6. One spare copy.

pvm.