

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

DA No.785/93.

Dt. of Order:13-7-93.

L.Roop Singh

...Applicant

Vs.

1. Union of India,  
rep. by its Secretary,  
Ministry of Defence, New Delhi.
2. The Scientific Adviser to the Minister of  
Defence & Director General Research &  
Development, Ministry of Defence,  
DHQ PO NEW DELHI - 110 011.
3. The Director,  
Defence Metallurgical Research Laboratory,  
PO Kanchanbagh, Hyderabad-500 258.

...Respondents

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Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri N.V.Raghava Reddy,CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO :. VICE-CHAIRMAN

THE HON'BLE SHRI P.T.THIRUVENGADAM : MEMBER (A)

(Order of the Divn. Bench delivered by  
Hon'ble Justice Shri V.N.Rao, Vice-Chairman)

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The applicant is under suspension since 23-8-76  
pending Disciplinary Enquiry against him. The revised pay  
scale in pursuance of the recommendations of the IV Pay  
Commission had come into effect from 1-1-86. When the  
subsistence allowance is being paid on the basis of the

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pre-revised scales even for the period from 1-1-86, The applicant filed this D.A. praying for determination of the subsistence allowance on the basis of the ~~pre~~-revised pay scales.

2. Fundamental Rule 23 lays down that whenever there is a change of pay, the holder of the post shall be treated as if he was transferred to a new post on new pay unless employee exercises option to retain his old ~~post~~ pay until a date on which he has to earn his next or subsequent increment on his old pay, <sup>at</sup> his post ceases to draw on the time scale. The above Fundamental Rule does not state that during the period of suspension, the holder of the post shall ~~be~~ continued to be on the old scale.

3. Heard Sri K.Sudhakar Reddy, counsel for the applicant and Sri N.V.Raghava Reddy, learned Standing Counsel for Respondents. There is no need to elaborate ~~the~~ <sup>this</sup> points as this Bench held in OA 695/92 and some other earlier O.A.s ~~was~~ that the subsistence allowance had to be calculated on the basis of revised pay scale from the date the said scales had come into effect. We respectfully agree with the reasons given in those O.A.s. Hence this O.A. is also allowed and the applicant has to be paid the difference in subsistence allowance from 1-1-86 by calculating the subsistence allowance ~~from~~.

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on the basis of revised pay scale from 1-1-86 within three months from the date of receipt of this order and he has to be paid subsistence allowance on the basis of revised pay scale so long as he will be under suspension.

(P.T. THIRUVENGADAM)  
Member (A)

(V. NEELADRI RAO)  
Vice-Chairman

Dated: 13th July, 1993.  
Dictated in Open Court.

Deputy Registrar (J)

avY/ad

TO

1. The Secretary, Union of India,  
Ministry of Defence, New Delhi.
2. The Scientific Adviser to the Minister of Defence  
and Director General Research & Development,  
Ministry of Defence, IHQ PO, New Delhi-11.
3. The Director, Defence Metallurgical Research Laboratory,  
PO Kanchanbagh, Hyderabad-258.
4. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT. Hyd.
5. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One copy spare.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTY : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (J)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated : 13-7-1993

ORDER/JUDGMENT:

M.A. / R.A. / C.A. No.

in

O.A.No. 785/93

T.A.No.

(w.p.)

Admitted and Interim directions  
issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/ Ordered

No order as to costs.

Central Administrative Tribunal  
DESK  
22 JUL 1993  
HYDERABAD BENCH

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