

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 253/94

Dt. of Decision : 12.4.1994.

N. Kishan Rao

.. Applicant.

Vs

1. The Director, (Administration),
Government of India, Central Ground
Water Board, New C.G.B. Complex,
N.H.IV, Fairadabad, Harayana State,
PIN : 121 001.
2. The Executive Engineer,
Central Ground Water Board,
Division - IX, 13-6-446,
Gudimalkapur,
Hyderabad - 500 028.

.. Respondents.

Counsel for the Applicant : Mr. V. Vijaya Rama Raj

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

(19)

O.A.NO.253/94.

JUDGMENT

Dt: 12.4.1994.

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri V.Venkateswara Rao, for Shri V.Vijaya Rama Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant was placed under suspension from 5.6.1989 pending investigation for an offence under the Prevention of Corruption Act. He was convicted by the order dated 30.12.1993 in CC Nos. 6, 7 ^{and 8/93.} He was informed by the impugned order dated 21.2.1994 that as per the Headquarters, Faridabad instructions, Subsistence allowance from February 1994 on-wards will not be drawn. This OA is filed praying for quashing the impugned ~~order~~ ^{order} dated 21.2.1994 by holding that the applicant is entitled to be continued under suspension till the criminal appeals filed by the applicant are disposed of by the Andhra Pradesh High Court (Criminal Appeal Nos.127/94, 132/94 and 153/94 on file of the Andhra Pradesh High Court).

3. It is represented for the respondents that by the order dated 24.3.1994 which was communicated to the applicant on 28.3.1994, the applicant was dismissed from service with effect from 30.12.1990 on the basis of the conviction of the applicant in CC Nos. 6, 7 & 8/93 the file of the ~~Sub Judge~~ Special Judge for CBI Cases, Hyderabad.

4. ^{order of} The dismissal ^{would} ~~has~~ come into effect from the date on which the order of dismissal was served or

contd...

1. The Director(Administration), Government of India,
Central Ground Water Board, New C.G.S.Complex, NH-IV,
Faridabad, Haryana State, -001.

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deemed to have been served upon the delinquent employee. The learned counsel for the respondents had not brought to the notice of this Bench about any rule or circular to the effect that the delinquent employee is not entitled to Subsistence Allowance from the date of conviction in a Criminal Case. So long as the relationship of employer-employee continues, the employee is entitled to either salary or subsistence allowance or leave salary on leave without pay. Hence, it has to be held that the applicant is entitled to the Subsistence Allowance upto the date of service of the order of the

5. It is not necessary to consider about the validity of the order of dismissal in these proceedings and it is the matter for consideration as and when it is assailed. As such, there is no need to advert to the same further for consideration of this OA.

6. In the result, the respondents are directed to pay the Subsistence Allowance to the applicant till the date of service of the order of dismissal.

7. The OA is ordered accordingly at the admission stage. No costs.

(A.B.GORTHI)
MEMBER (ADMN.)

(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 12th April, 1994.
Open court dictation.

Prabhu
25/4/94
DY. Reg. Secy (Judl.)

vsn

Contd - 41 -

O.A. 253/94

TYPED BY

COMPARED BY

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APPROVED BY

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. GORTHY : MEMBER (AD)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 12/4/1994

ORDER/JUDGMENT

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

in

O.A. No.

253/94

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.

pvm

