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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 525/94.

Dt. of Decision : 5.7.94.

Shri. Syed Jamaluddin

.. Applicant.

Vs

1. Union of India rep.
by its Director of
Postal Services,
Hyderabad Region,
Dock Sadan, Abids Road,
Hyderabad.

2. Superintendent of Post Offices,
Peddapalli Division, Peddapalli,
Karimnagar Dist.

.. Respondents.

Counsel for the Applicant : Mr. K. Vasudeva Reddy

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

CORAM:

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

{ As per Hon'ble Shri A.B.Gorthi, Member (Admn.) }

In this application the relief claimed by the applicant ^{is} for a direction to the 2nd respondent to increase the subsistence allowance by 50% on completion of 3 months period on suspension.

2. The applicant was suspended on 23.8.93, as disciplinary proceedings against him were contemplated. It is stated that a criminal case against the applicant is ^{now} pending on a charge that he embezzled government money. As no subsistence allowance was paid to him from the date on which he was under suspension, he filed O.A.1419/93 wherein besides challenging the validity of the suspension order he also claimed payment of subsistence allowance as per rules. The said OA was ordered on 15.11.93 with a direction to the respondents to pay the applicant subsistence allowance in accordance with the rules from the date on which he was suspended.

3. In compliance of the afore-said order, the respondents vide their order dated 1.12.93 granted him subsistence allowance w.e.f. 23.8.93.

4. The prayer now is for a direction to the respondents to review the quantum of subsistence allowance being paid to him and to enhance the same by 50% in accordance with FR 53 (i)(ii)(a). The applicant addressed ^{his} ~~the~~ representation to the Superintendent of Post Offices requesting for such enhancement

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of the subsistence allowance, but the same was denied to him by the Superintendent of Post Offices vide his memo dated 20.5.94. The said memo merely states that a review of quantum of subsistence allowance was undertaken under the relevant FR but "after going through the case and taking all aspects into consideration it is ordered to maintain status-quo".

5. The office memo thus does not reveal any reasons as to why the respondents chose not to increase the subsistence allowance.

6. The only reason for which such an enhancement of the subsistence allowance can be denied is that the period of suspension has been prolonged for reasons directly attributable to the Government servant.

7. Heard learned counsel for both the parties. Mr.N.R.Devraj, learned standing counsel for the respondents has stated that after the applicant was placed under suspension he was called upon to reconcile the discrepancies in the accounts but he failed to do so. More so, charge memo was issued to the applicant on 27.4.94 but the applicant, as on today did not submit his written submission in defence. Taking into consideration such conduct of the applicant the respondents took the decision not to enhance the subsistence allowance.

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Copy to:-

1. The Director of Postal Services,
Hyderabad Region, Union of India,
Abids, Dock Sedan, Abids Road,
Hyderabad.
2. The Superintendent of Post Offices,
Peddapalli Division, Reddapalli,
Karimnagar District.
3. One copy to Mr. K. Vasudeva Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

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8. What is important to note in this case is the conduct of the applicant during the first three months of the period of his suspension and to see whether it was on account of such conduct of the applicant the ~~charge~~ ^{period} of suspension beyond three months had to be extended. It is evident that the respondents themselves took a considerably long time to serve a charge-sheet upon the applicant. As regards asking the applicant to reconcile the discrepancies in the accounts books, ~~his~~ ^{his} reluctance to do so cannot be held against him because he is facing a grave charge of embezzlement of government money. His silence in this regard cannot be attributed as conduct amounting to non-cooperation ~~action~~ with the respondents' authorities.

9. The review of the quantum of subsistence allowance became due on or before 22.11.93. The respondents are, therefore, hereby directed to carry out a fresh review taking into consideration the conduct of the applicant up to the period of 22.11.93 and to see whether ~~all~~ ^{any of} his actions/omissions could be attributed to prolonging the period of suspension beyond the period of 3 months. After considering this aspect of the matter, the respondents shall pass an order which shall contain the reasons in support of that order.

10. The OA is ordered as per our above directions. The respondents shall comply ^{with this order} within a period of one month from the date of communication of this order. No costs.

[Signature]
(A.B. GORTHY)
Member (Admin.)

Dated: 5th July, 1994

(Dictated in Open Court)

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[Signature]
Deputy Registrar (I)

TYPED BY

COMPARED BY

CHECKED BY

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. G. RTHI : MEMBER(A)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 5-7-1994.

ORDER/JUDGMENT:

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

in

O.A.No. 525/94

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.

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