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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.  
O.A.NO.719 of 1995.

Between

Dated: 19.9.1995.

M.A.Rasheed

...

Applicant

And

1. The Director, Central Research Institute of Dry Land Agriculture, Santoshnagar, Hyderabad.
2. The Senior Administrative Officer, Central Research Institute of Dry Land Agriculture, Santoshnagar, Hyderabad.

...

Respondents

Counsel for the Applicant

: Sri. V.Venkateswara Rao

Counsel for the Respondents

: Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. A.B.Gerthi, Administrative Member

Contd:...2/-

~~OA No. 719/95~~

Dt. of Decision : 19-09-95.

ORDER

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

The applicant is a Senior Draftsman in Grade T-5 (Technical Officer) at the Gunegal Research Farm of CRIDA. On 06-03-1994 (Sunday) at about 09.00 A.M. he entered Gunegal Research Farm without permission and also took a photographer along with him. On the said allegation he was served with a charge memo on 26-03-1994. Prior to that date the applicant was placed under suspension with immediate effect vide memo No. INQ/2/94, dated 10-03-1994. On 13-09-1994 he requested the competent authority (Director) to enhance the subsistence allowance due to him. His request was rejected vide impugned memo dated 24-10-1994. Aggrieved by the same he has filed this OA praying that the impugned order be set aside and that a direction be given to the Respondent No.1 to re-consider his request for enhancement of subsistence allowance and also give him the consequential benefits.

2. The respondents have not disputed the few facts as stated above but their main contention that the applicant was not co-operating with the enquiry officer and due to his actions/omissions the enquiry was being delayed. It was for this reason that the competent authority decided not to enhance the subsistence allowance due to the applicant.

3. Shri V.Venkateswara Rao, learned counsel for the applicant has brought out that the applicant filed OA No. 536/94 in April 1994, that is, soon after he was placed under suspension and served with a charge memo, praying that the charge memo being quashed and that further disciplinary proceedings against him. While considering the said OA the Tribunal gave an order <sup>initially</sup> ~~firstly~~ to change the <sup>initially</sup> ~~enquiry~~ officer, as the ~~said~~ enquiry officer could not be said to be ~~an un-~~ biased person. Finally, the OA was disposed of by order dt. 16-02-1995.

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partly allowing the prayer of the applicant and directing the enquiry officer to "reopen the enquiry and to give an opportunity to the applicant to cross-examine the witnesses who were stated to have been examined on 20-12-1994 and then to proceed thereafter in accordance with law." Thereafter the enquiry proceeded, but for certain reasons it was concluded *ex parte*, as per the applicant's counsel.

4. The respondents in their reply affidavit have given a chronological explanation stating how the enquiry proceedings progressed very tardily, and have given the date-wise happenings, commencing from 06-09-1994. For deciding the issue before me it is not necessary to go into the various events that took place prior to the judgement dated 16-02-1995 in OA.No. 536/94. It is so because the request of the applicant was partly accepted by the Tribunal. In otherwords it cannot be said that the applicant was guilty of any such conduct due to which the suspension had to be prolonged beyond three months from the date of suspension. On this short ground itself the OA deserves to be allowed.

5. There is nothing on record to indicate that from the time the applicant was placed under suspension till the impugned order was issued on 24-10-1994 that the applicant, by any means retarded progress of the enquiry, except that he came to the Tribunal. Keeping in view the final out-come of the O.A.No.536/94, it cannot be said that the applicant by approaching the Tribunal has *deliberately delayed enquiry proceedings.*

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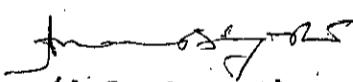
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6. In view of the above, the impugned order No. 1-2(1)/90-Estt. dated 24-10-1994 is hereby set aside. The case of the applicant shall have to be re-considered by the competent authority for the purpose of enhancing the subsistence allowance due to him in terms of FR-53 (1) (ii)(a)(i). This shall be done within a period of two months from the date of communication of this order.

7. It is open to the competent authority to carry such out ~~reviews~~ periodically in terms of Government of India, Ministry of Finance O.M.No.F.(1)-E.IV(A)/66, dated 30th June 1966 reproduced at page No. 240 of Swamy's Compilation of F.R.S.R. Part-I, 1992 edition, for the purpose of coming to a decision whether the subsistence allowance of the applicant required further revision, either upwards or downwards.

8. The OA is ordered accordingly. No order as to costs.

  
(A.B. Gorthi)

Member (Admn.)

Dated : The 19th September 1995.  
(Dictated in Open Court)

  
Deputy Registrar (Judl.)

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Copy to:-

1. The Director, Central Research Institute of Dry Land Agriculture, Santoshnagar, Hyd.
2. The Senior Administrative Officer, Central Research Institute of Dry Land Agriculture, Santoshnagar, Hyderabad.
3. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

~~08/09/95~~  
TYPED BY

09.7/9/95  
CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 19/9/1995.

M.A./R.A./C.A.NO.

O.A.NO.

7/9/95

T.A.NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

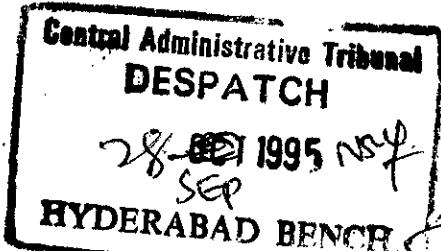
NO ORDER AS TO COSTS.

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Rsm/-

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