

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A.No: 320/97

Date of decision: 30-3-98

Between:

M. Bheema Sekhara Rao

.. Applicant

A N D

1. The Senior Superintendent of
Post Offices,
Guntur Division,
Guntur.

2. The Postmaster General,
Vijayawada Region,
Vijayawada.

.. Respondents

Counsel for the applicant : Mr. P.L. Narasimha Rao

Counsel for the respondents : Mr. N.V. Raghava
Reddy

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)

....2/-

(Per Hon'ble Shri H. Rajendra Prasad, M(A))

The applicant herein is aggrieved at the rejection, by Respondent No.1, of his representation urging the restoration of his subsistence allowance between 25.11.1993 and 31.3.96, to 50% of his basic pay. The facts of the case are as under :

2. A criminal case was filed against the applicant in the IV Additional Munsif Magistrate's Court, Guntur, on 25-8-1993. He was placed under suspension from the same date and subsistence allowance was fixed at 50% of the basic pay from the same date.

On 7-9-1993 a Notice was served on the applicant proposing initiation of proceedings against him under Rule 19 of CCS(CCA) Rules. The same was challenged in O.A. 1496/93. It was disposed of by this Bench on 27-1-1994 with a direction not to proceed with the said enquiry till the disposal of the criminal appeal. It is stated that the criminal appeal is still pending.

3. On 1-12-1993 the subsistence allowance was decreased to 25% of the basic pay whereupon the applicant filed OA 295/95 challenging the reduction in his subsistence allowance. In disposing of the said OA it was held that the reduction was not justified inasmuch as the applicant was in no way delaying the finalisation of the decision of the criminal appeal pending before the competent court. It was also held that it was not proper for the respondents to initiate proceedings under Rule 19 when the appeal against the conviction and sentence was pending. It was further observed by the learned single Judge that since the proposed action of the respondents to proceed against the applicant under Rule 19 of CCS(CCA) Rules had been declared improper in OA 1496/93, the conduct of the applicant in not accepting the various memos/communications addressed to him in this regard should not be held against him in the matter of deciding the quantum of subsistence allowance to be paid to him. It is now revealed that the said Rule 19 enquiry is neither progressing because of the pendency of the criminal appeal, nor has it been dropped. However, another departmental proceedings under Rule 14 of CCS(CCA) Rules were initiated on 18-3-1991 and the enquiry was concluded only on 8-3-1996.

Q₆/50/3

4. Mr. Raghava Reddy submits a detailed explanation of the progress of Rule 14 enquiry against the applicant and the alleged delay attributable to him between 1-12-1993 and 31-3-1996. This explanation and the statements of the learned Addl. Standing Counsel proceed on an altogether incorrect premise because the delay attributed in Rule 14 enquiry is not at all the subject of this OA. The applicant was placed under suspension specifically in connection with a criminal case. The suspension was never withdrawn and the applicant was retired compulsorily on 12-2-1997 without it having been revoked.

5. Therefore any delay in the progression of Rule 14 inquiry against the applicant and his alleged contribution to such delays, even if true and correct, is not relevant for the purpose of this OA where the grievance of the applicant is basically against the reduction of subsistence allowance in the case of his suspension in a criminal case.

6. In the circumstances it would be necessary to direct the respondents to take a correct and acceptable view from a reasonable and proper perspective and to take suitable decision on the facts as indicated above. It is declared that the applicant is entitled to subsistence allowance of 75% of his pay w.e.f. 25-11-1993 to 31-3-1996. Necessary follow-up action in this regard shall be taken and the amount that may become payable to the applicant shall be arranged date of receipt of a copy of this order.

7. Thus the OA is disposed of.

(H. RAJENDRA PRASAD)
Member(A)

30 MAR 98

MD

Deputy Registrar

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O.A.320/97.

To

1. The Senior Superintendent of Post Offices,
Guntur Division, Guntur.
2. The Postmaster General, Vijayawada Region,
Vijayawada.
3. One copy to Mr. P.L.Narasimha Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC. CAT.Hyd.
5. One copy to HHRP.M.(A) CAT.Hyd.
6. One copy to DR(A) CAT.Hyd.
7. One spare copy.

pvm

13/4/98

I Court

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 30-3-1998

ORDER/JUDGMENT.

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

O.A.No. 320/97 in

T.A.No. QW.R

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

