

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1177/99

Date of Order : 21.1.2000

BETWEEN :

B.Shantavathi

.. Applicant.

AND

1. The Union of India,
 Represented by the
 Chairman, Canteen Store Dept.,
 Adalphi, Mumbai.

2. The Joint General Manager,
 Section -3, (P),
 CSD Head Office, Adelphi
 119, Marshi Kavery Road, Mumbai.

3. The Depot Manager,
 Canteen Stores Department,
 Trimulgherry, Secunderabad. .. Respondents.

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Counsel for the Applicant

.. Mr.R.Yogender Singh

Counsel for the Respondents

.. Mr.V.Vinod Kumar

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CORAM :

HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (Jdl.) X

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Mr.V.Kiran Kumar for Mr.R.Yogender Singh, learned
 counsel for the applicant and Mr.V.Vinod Kumar, learned
 standing counsel for the respondents.

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2. The applicant herein ^{while} was working as UDC in Canteen Stores Department was placed under suspension by order No. 3/Pers/A-3/PN-2161/915 dated 21.6.96 (A-1). Para-4 of the order is reproduced below :-

"It is further ordered that Smt.B.Shanthavathi will be paid subsistence allowance in terms of FR-53".

3. Earlier on 29.11.96 the applicant had submitted a representation praying for enhancement of the subsistence allowance. Since the applicant could not get the enhancement in the subsistence allowance she approached this Tribunal in OA.1017/98 which was decided on 5.1.99. (A copy of the order is at A-2).

4. As per the directions contained in the said OA the respondents considered her representation and informed the applicant as per letter dated 17.3.99. A copy of the letter is at A-3 to the OA. Para-2 of the said letter is reproduced below :-

"Your application dated 29.11.96 has been re-examined by the Competent Authority and it has been approved to enhance the rate of Subsistence Allowance to the extent of 25% of the Subsistence Allowance that was initially granted to you (i.e. 50%) vide order No. 3/Pers/A-3/PN-2161/915 dated 21.6.96 as per rule laid down on the subject. The enhanced rate of Subsistence Allowance will be effective from 01st April 99".

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5. Being aggrieved the applicant has filed this OA praying for a direction to the respondents to pay her subsistence allowance in accordance with the provisions of 53(1)(a) w.e.f. 22.9.96.

6. The respondents have filed their reply. In the reply they tried to justify the impugned letter.

7. As per FR 53(1)(a) the competent authority is required to review the order of suspension and also taking into consideration to enhance the subsistence allowance if the period of suspension exceeds 3 months. Infact the entire FR 53 has been reproduced in the earlier OA decided on 5.1.99. On going through the said rule position I feel that the respondents are not justified in restricting the enhancement of the subsistence allowance only from 1.4.99. Their contention is that the criminal case in which the applicant has been involved has not been concluded is a ground ~~as~~ to give enhancement from a prospective date. It does not appeal to me.

8. Hence the following directions are issued :-

(a) The application is allowed.

(b) The impugned order dated 17.3.99 is hereby set aside.

(c) The respondents are directed to ^{pay} ~~furnish~~ the subsistence allowance to the applicant strictly in accordance with the Rule 53 of the FR.

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(d) The arrears of enhanced subsistence allowance shall be paid to the applicant within 3 months from the date of receipt of a copy of this order.

9. No order as to costs.


(B.S.JAI PARAMESHWAR)
21.1.00 Member (Jud 1.)

Dated : 21st January, 2000

(Dictated in Open Court)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

1ST AND 2ND COURT

COPY TO:

1. HON. J
2. HON. M (ADMN.)
3. HON. M (JUDL.)
4. D.R. A (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE D.H.NASIR
VICE CHAIRMAN

THE HON'BLE MR. R.RANGARAJAN
MEMBER (ADMN.)

THE HON'BLE MR. B.S.JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 21/1/2000

MA/RA/CP NO.

IN
DA.-NO. 1177/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED ✓

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

2 copies

