

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**CP-283/2016
In OA -4500/2013**

New Delhi, this the 19th day of August, 2016.

**Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Sh. Brahm Avtar Agrawal, Member (J)**

Dr. Ram Krishna Mishra,
S/o Lala Ram Saran Mishra,
R/o 109, Shakti Khand 3,
Indrapuram, Ghaziabad,
U.P. 201010.
(By Advocate : Sh. Rahul Kumar Singh)

... Petitioner

Versus

1. Mr. Vinay Sheel Oberoi,
Secretary,
D/o Higher Education,
M/o HRD,
Shashi Bhawan.
New Delhi.
2. Mr. Prof. Nand Kishor Pandey,
Chairman,
Commission for scientific & Technical
Terminology,
West Block 7, R K Puram,
New Delhi-110066.
3. Mr. Vijay Kumar,
Under Secretary (Vigilance),
M/o Human Resources and Development
Shashi Bhawan,
New Delhi-110011. Contemnor/Respondent
(By Advocate : Sh. D.S. Mahendru)

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

These contempt proceedings were initiated for alleged non compliance of our order dated 09.07.2015, the operative part of which reads as follows:

"11. It is seen that the Applicant was under suspension/deemed suspension when criminal proceedings was going on in the Criminal Court till the aforesaid impugned order was issued. Therefore, the Applicant shall deemed to be continuing under suspension till any fresh order is passed by the Disciplinary Authority in terms of Rule 19(1) of the CCS(CCA) Rules, 1965 after having duly complied with the provisos contained therein. Therefore, in terms of the third relief sought by the Applicant, the Respondents shall pay him the upto date

arrears of subsistence allowance including the same not paid by them from September, 2011 to April, 2012 as submitted by him, if not already paid. However, if it was not paid to him for any valid reasons, they shall inform him about it. They are also required to continue to pay the subsistence allowance till any, fresh order under Rule 19(1) of the CCA (CCS) Rules 1965 is passed. Consequently, the fourth relief of the Applicant to reinstate him in service with all consequential benefits including arrears of pay and allowances is rejected. In the above facts and circumstances of case, the fifth relief sought by the Applicant to grant him the cost of litigation is also rejected.

12. This OA is accordingly disposed of. "

2. In compliance thereof, the respondents have filed an affidavit . The relevant part of the affidavit reads as follows:

"3. That in compliance of the order dated 9.7.2015 of this Hon'ble Tribunal, the respondents has issued an order dated 21.6.2016 the arrears of subsistence allowance is paid to the applicant w.e.f. 1.9.2012 till a fresh order is passed by the Disciplinary Authority under Rule 19(1) of CCS (CCA) Rules 1965. The applicant has also been asked to submit a certificate that he is not engaged in any other employment, business, profession or vocation during the period of his suspension. Furthermore since the applicant had been paid the subsistence allowance up to 31.8.2012 @ 90% instead of the maximum limit of 75%, therefore the excess amount for the period 1.10.2011 to 31.8.2012 has been ordered to be recovered from his arrears. A copy of the order dated 21.6.2016 is annexed as Annexure R-1."

3. After perusal of the same, we are satisfied that our order has been substantially complied with. Accordingly, this CP is closed and notices issued to the alleged contemnors are discharged.

(Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/