

**Central Administrative Tribunal
Principal Bench**

OA No.2007/2017

New Delhi, this the 21st day of November, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Sh. N. P. Mishra, Dy. SP, CBI
Aged about 54 years, Gr. A,
S/o Shri Yogendra Nath Mishra
R/o 56C, CBI Colony,
Vasant Vihar, Delhi-110 057.

Posted as Dy. SP/CBI/SC-III
(presently under suspension)
Lodhi Road, New Delhi 110 003. Applicant.

(By Advocate : Shri D. S. Chaudhary)

Vs.

Union of India through its Secretary
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training
North Block, Central Secretariat,
New Delhi 110 001. ... Respondent.

(By Advocates: Shri H.K. Bajpayee for Shri Gyanendra Singh and Shri Shlok Chandra with Shri Ritesh Kumar Sharma)

: O R D E R (ORAL) :

Permod Kohli, Chairman :

This OA has been filed seeking the following reliefs:-

"8.1 Call for the record of Review Committee/respondent to ascertain the reasons recorded by it for not increasing the subsistence allowance of the applicant.

8.2 Direct the respondent to increase the subsistence allowance by 50% w.e.f. the date on which the suspension exceeded 3 months.

8.3 Costs of the proceedings may be allowed; and

8.4 Any other or further order(s) as deemed fit and proper to secure the ends of justice may also be passed.

2. The applicant who was working as DSP in CBI was entrusted with the investigation of a case u/s 302 IPC read with section 25/27 of Arms Act on 11.02.2015 under the directions of the Hon'ble High Court of Chattisgarh. One Shri Shiv Kumar Vaishno who was accused in the said case allegedly committed suicide during police custody and on that basis the applicant was placed under suspension vide order dated 19.10.2016. The suspension of the applicant was extended on the recommendations of the Review Committee for a further period of 180 days. The applicant made a representation dated 17.01.2017 for increase of the subsistence allowance by 50% of the initial subsistence allowance. The representation of the applicant has not been considered. It is under these circumstances that the present OA has been filed.

3. In the counter affidavit filed by the respondents, it is stated that the suspension of the applicant already stands revoked vide order dated 14.07.2017. A copy of the said order has been placed on record during the course of hearing today. Since the suspension of the applicant has

been revoked, the respondents are also required to pass order regarding the period of suspension which has not been done so far. On inquiry, from the Tribunal, we are informed by the respondents that the disciplinary proceedings are going on.

4. In this view of the matter, this OA is disposed of with the following directions:-

- (i) On termination of the disciplinary proceedings, the competent authority will pass order under FR 54-B for treating the period of suspension and;
- (ii) Consequently, if any benefit is available to the applicant, the same may be allowed in accordance with rules within a period of three months from the date of termination of the disciplinary proceedings.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/vb/