

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

O.A.No.3916/2016

Friday, this the 3rd day of February 2017

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

Vivek Dutt (Age 43 years)
SP, CBI (under suspension)
HQ CBI/Head Office, New Delhi
r/o Qtr. No.1, Type V, CBI Academy
Kamla Nehru Nagar, Hapur Road
Ghaziabad, UP 201002

(Mr. Tanveer Ahmed Ansari, Advocate)

..Applicant

Versus

1. Union of India through the Secretary
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
North Block, New Delhi – 1
2. The Director
Central Bureau of Investigation
5-B CGO Complex, Lodhi Road
New Delhi – 3

..Respondents

(Mr. Hanu Bhasker, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

Reply has not been filed by the respondents.

2. The short question in the present O.A. relates to enhancement of subsistence allowance from 50% to 75% of the pay during the period of suspension. The applicant was serving as Superintendent of Police, CBI. An FIR No. RC 5(A)/2013-AC III/CBI/ New Delhi dated 17.05.2013 under Section 120 B IPC read with Sections 7, 8, 9, 12 & 13 (2) & 13 (1) (d) Prevention of Corruption Act was lodged against him. The applicant was

placed under suspension vide order dated 19.07.2013 w.e.f. 17.05.2013. His suspension is thereafter continued by various extensions from time to time. On suspension, the respondents directed the payment of subsistence allowance @ 50% of pay. Even while continuing the suspension on the recommendations of the Review Committee, the subsistence allowance has been continued at the same rate without considering the enhancement. One of such representations is dated 18.08.2015 (Annexure A-7). The respondents have not taken any decision insofar as enhancement of subsistence allowance is concerned.

2. Admittedly, the applicant is continued under suspension for a period of about two and half years. In terms of Department of Personnel & Training instructions contained in O.M. No.11012/4/2003-Estt.(A) dated 07.01.2004, the suspension for a period of more than one year is not desirable.
3. In view of the above circumstances, the O.A. is disposed of without insisting for the reply with direction to the respondents to examine and consider the representation dated 18.08.2015 for purposes of enhancement of subsistence allowance in accordance with the relevant rules and dispose of the same by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. No costs.

(K.N. Shrivastava)
Member (A)

February 3, 2017
/sunil/

(Justice Permod Kohli)
Chairman