

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00921/2019

Jabalpur, this Thursday, the 10th day of October, 2019

HON'BLE SHRI RAMESH SINGH T HAKUR, JUDICIAL MEMBER

Akhileshwar Dhar Dwivedi, S/o Gyandhar Dwivedi,
Date of Birth-17/11/1984, Postal Assistant/ASM
Under Suspension, R/o Near Girls Degree College,
Karondiya Uttar Tola, District-Sidhi, M.P.-486661 -**Applicant**

**(By Advocate –Shri Ajay Gupta proxy counsel for
Shri S.K.Nandy)**

V e r s u s

1. Union of India, through Secretary, Department of posts,
Dak Bhavan,1, Sansad Marg, New Delhi 110001
2. Chief Post Master General, M.P. Circle, Bhopal-462012
3. Director Postal Services Off./O Chief Postmaster,
Jabalpur-482001
4. Superintendent of Post Offices, Shahdol Division,
Shahdol-484001

-Respondents

(By Advocate –Shri S.P.Singh)

O R D E R (ORAL)

This Original Application has been filed by the applicant aggrieved with the inaction of the respondents in not reviewing the subsistence allowance in accordance with FR 53.

2. Precisely the case of the applicant is that the applicant is under suspension vide order dated 17.07.2017 (Annexure A-1), whereby the applicant ahs been placed under suspension on account of disciplinary proceedings contemplated/pending. The

applicant got recommendation letter dated 13.10.2017, whereby the so called recommendation of the review committee has been forwarded. Copy of the letter dated 13.10.2017 is annexed as Annexure A-2. Review committee after reviewing applicant's suspension case extended the applicant's suspension period and the last suspension extension order dated 02.07.2019 is annexed as Annexure A-3.

3. In accordance of rule 10(7) of the CCS (CCA) Rules, 1965, the said suspension order ought to have reviewed before expiry of 90 days and extended after review if it was so required by the authority. The applicant had made representation dated 12.06.2018 (Annexure A-4) for reviewing and enhancing the subsistence allowance.

4. The applicant further preferred one more application to the respondent No. 4 on 12.10.2018 and 06.12.2018 for enhancing the subsistence allowance and the last representation to respondent No.3 and No. 4 on 28.05.2019, but no consideration has been given by either of the authority. Copy of series of representations dated 12.10.2018, 06.12.2018 & 28.05.2019 are filed as Annexure A-5 collectively. The case of the applicant is that the applicant is entitled for payment of

enhanced rated of subsistence allowance upto 90% as per proviso to FR 53.

5. At this stage the counsel for the applicant submits that the applicant will be satisfied if the competent authority of the respondents are directed to decide the representations dated 12.06.2018 (Annexure A-4) & dated 12.10.2018, 06.12.2018 & 28.05.2019 (Annexure A-5 collectively) in a time bound manner in view of the specific provisions provided in FR 53.

6. So, in the interest of justice, the competent authority of the respondents are directed to decide the representations dated 12.06.2018 (Annexure A-4) & dated 12.10.2018, 06.12.2018 & 28.05.2019 (Annexure A-5 collectively) in view of the specific provisions provided in FR 53 within a period of 60 days from the date of receipt of a certified copy of this order.

7. Needless to say that this Tribunal has not touched the merits of the case.

8. Needless to say that decision shall be a speaking order and as per law.

9. With this observation this Original Application is disposed of at the admission stage itself.

**(Ramesh Singh Thakur)
Judicial Member**

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