



Central Administrative Tribunal
Principal Bench

O.A.No.1294/2003

New Delhi this the 12th day of April, 2004.

Hon'ble Shri Shanker Raju, Member(J)

Shri Mahavir Prasad,
S/o Sh. Mahajeet Singh,
Switchmen,
Railway Station Fazullapur,
Allahabad.

.... Applicant

(By Advocate : Shri B.S. Mainee)

versus

Union of India, through

1. The General Manager,
Northern Railway
Baroda House,
New Delhi.
2. Chief Operating Manager
Northern Railway
Baroda House,
New Delhi.
3. The Division Railway Manager,
Northern Railway,
Baroda House,
New Delhi.

... Respondents

(By Advocate: Shri Rajinder Khatter)

Order(Oral)

Heard the parties.

2. Impugned herein is the action of the respondents taken vide order dated 14.6.2001 whereby deemed suspension of applicant has been treated as leave without pay. Learned counsel of applicant referring to para 1343 of IREC-1 contents that as per sub-paras (4 and 7) amount determined under sub-rule (2) and (4) shall not

be less than the subsistence allowance. In this view of the matter, it is stated that treating this period as leave without pay is contrary to rules.

3. On the other hand respondents counsel strongly opposed the contention.

4. In the light of the provisions of IREC I quash the order and direct respondents to reconsider the treatment of aforesaid period of deemed suspension strictly in accordance with sub-rule (7) of para 1343 of IREC by passing the details and speaking orders within a period of three months from the date of receipt of a copy of this order. OA stands disposed of accordingly. No costs.

S. Raju
(Shanker Raju)
Member (J)