

(2020) 12 CAT CK 0095

In the Central Administrative Tribunal

Case No : Original Application No. 2154 Of 2020

Sanjeev Kumar

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 23-12-2020

Acts Referred:

Citation : (2020) 12 CAT CK 0095

Hon'ble Judges : Pradeep Kumar, Member (A)

Bench : Single Bench

Advocate : B.C. Nagar, Krishan Kant Sharma

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member (A)

1. The applicant was serving as a Senior Commercial Clerk under Respondent â?" Railways. The applicant was arrested by Haryana Police during

duty hours on 26.02.2012 and thereafter he was got relieved by the competent authority. He was deemed to be suspended from 27.02.2012. By the

order of learned Court of Sh. Darshan Singh, Sessions Judge, Faridabad on 26.03.2014, the applicant was convicted and awarded certain sentence.

2. Feeling aggrieved, at the punishment by the Trial Court, applicant preferred a writ before Honâ??ble High Court of Punjab and Haryana wherein

vide orders dated 26.03.2018, the sentence was suspended. However, this writ is still pending adjudication.

3. Applicant pleads that he was suspended wef 27.2.2012 and this suspension is still continuing. However, he has been paid subsistence allowance upto March 2014 only.

4. Feeling aggrieved at non-payment of subsistence allowance beyond March

2014 and for not being taken back on duty, he has preferred the instant

OA. The applicant also pleads that a major penalty charge sheet was also issued on 23.02.2017 on account of unauthorised absence from 27.02.2012

till date.

The applicant further brings out that he made two representations with regard to payment of subsistence allowance vide letter dated 05.12.2019,

which has been received in the office on the same date and in respect of allowing him duty vide his representation dated 01.06.2018 which has been

received in office on 05.12.2019. Both these representations have not been decided as yet. The applicant further submits that he will be satisfied, if a

time bound direction is issued to the respondents to decide his pending representations.

5. Heard. Issue notice. Sri Krishna Kant Sharma who appears on advance information, on behalf of respondents, accepts notice.

6. Matter has been considered. The Tribunal is of the view that no prejudice is likely to be caused to the respondents, if the a request of the applicants

in para 4 above, is agreed to.

7. In view of the foregoing, the instant OA is disposed of at the admission stage itself, without going into the merits of the case, with a direction to the

respondents to decide the pending representation dated 05.12.2019 in respect of subsistence allowance and another representation dated 05.12.2019 in

respect of allowing duty, keeping in view the extant rules and regulations, within a time period of 12 weeks of receipt of these orders, under advise to

the applicant. No costs.