

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 35895 of 2016

ORDER: (*Per VRS,J*)

Aggrieved by the dismissal of his original application by the Andhra Pradesh Administrative Tribunal for enhancement of subsistence allowance, a suspended employee has come up with the present writ petition.

2. Heard Mr. P. Sai Prasad, learned counsel for the petitioner. The Government Pleader for services (AP) takes notice for the respondents 1 to 3.

3. Admittedly, the petitioner is under suspension from 06.07.2015. He is in receipt of 50% of salary as subsistence allowance. Therefore, claiming the benefit of enhancement under Fundamental Rule 53, he made a representation and went before the Tribunal. But, the Tribunal dismissed the original application, on the ground that the representation was given only a few days before the filing of the original application. Therefore, the petitioner has come up with the present writ petition.

4. Fundamental Rule 53 casts a duty upon the respondents 1 to 3. Irrespective of any representation or an order, they are obliged to look into the case. Therefore, the Writ Petition is disposed of, directing the respondents 1 to 3 to consider the case of the petitioner, in the light of the Fundamental Rule 53 and pass suitable orders, within a period of four (4) weeks from the date of receipt of a copy of this order.

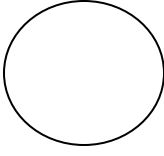
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

1st December, 2016
cbs





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