

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.4810 of 2018

ORDER: (per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present writ petition, the petitioner has assailed the order, dated 01.02.2018, passed in O.A.No.154 of 2018, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short "the Tribunal"), whereby the application filed by the petitioner under Section 19 of the Administrative Tribunal Act, 1985 has been dismissed.

Undisputed facts are that the petitioner was suspended, vide orders dated 24.05.2016, and he was under suspension since more than 1½ years.

Similar issue came before this Court in W.P.No.4301 of 2017, whereby this Court directed the respondents therein to enhance the subsistence allowance of the petitioner therein, in accordance with the relevant Government Orders.

As claimed by the petitioner that under Rule-53 of the Fundamental Rules, if the suspension period is more than three months, the charged officer is entitled for 75% of the salary amount towards subsistence allowance.

It is not in dispute that the said Fundamental Rule gives the discretion to the Government as to whether to enhance the subsistence allowance from 50% to 75% depending upon the facts of each case.

In W.P.No.4301 of 2017 the charged officer completed two years suspension period, and therefore, this court directed to enhance his subsistence allowance, in accordance with the relevant Government

Orders. In the present case also, the petitioner is under suspension since more than 1½ years.

Accordingly, we hereby direct the respondents to consider the case of the petitioner for enhancement of his subsistence allowance from 50% to 75%, in accordance with the relevant Government Orders, within a period of 4 (four) weeks from the date of receipt of a copy of this order.

In view of the above direction, the impugned order, dated 01.02.2018, passed in O.A.No.154 of 2018, is set aside. The writ petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.



SURESH KUMAR KAIT,J

ABHINAND KUMAR SHAVILI,J

Date: 15.02.2018
Dsr