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Central Administrative Tribunal, Principal Bench

Original Application No. 321 of 2002

M.A.No.318/2002

New Delhi, this the 27th day of January, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Shankar Prasad, Member (A)

1. Bismillaha Warsi
2. Shri Ayaz Mahmood Warsi,
3. Ms. Atya Warsi
4. Shri Abdul Warsi
All R/o Mohalla Kisrol,
Mohd. Ali Road, Moradabad, U.P.

.....Applicants

(By Advocate: Shri V.K. Rao)

Versus

1. Union of India
Through: The Secretary
Ministry of Communications.
New Delhi

2. Superintendent,
R.M.S., S.H. Division
Saharanpur, UP

.....Respondents

(By Advocate: Shri N.S. Mehta)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

M.A. 318/2002

M.A. 318/2002 is allowed subject to just exceptions. Joint application is permitted.

O.A. 321/2002

Applicants are legal heirs of Shujjat Hussain. They are claiming certain arrears that were due to him.

2. Earlier the applicants had preferred O.A. 1838/93 which was decided by this Tribunal on 15.7.99. It is patent that while the applicants had claimed Rs. 40205.05/-,

JS Aggarwal

the respondents had paid Rs.3221/- as the arrears that were due in pursuance of the orders passed in O.A.No.9/91 decided on 16.1.92.

3. This Tribunal while disposing of O.A.1838/93 had directed -

"We dispose of this O.A. with a direction to respondents to furnish to applicants a clear statement on the basis of which they have concluded that applicant's claim for a sum of Rs.40,205.05 is incorrect and they are entitled to only Rs.3221/- which has already been paid to them. This statement should be furnished to applicant within two months from the date of receipt of a copy of this order. These directions are being given to respondents in the facts and circumstances of this particular case which will not be a precedent in the background of the objection of jurisdiction raised by respondents' counsel Shri Sinha.

5. If any grievance still survives it will be open to applicants to agitate the same in accordance with law, if so advised."

It is admitted that thereafter the respondents had given to the applicants a statement on basis of which they had calculated their claim. That is still in controversy.

4. In this view of the matter when the applicants had been permitted to file and take recourse under law if any further amount was due, it would be appropriate that the applicants may take up the loose threads and file a miscellaneous application to raise claim of any fresh arrears arising out of decision in O.A.1838/93.

5. Accordingly we dispose of the present O.A. with

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a direction to the applicants that if so advised, they may file a miscellaneous application arising out of O.A.1838/93 decided on 15.7.99, giving specific instances of mistake in calculations, if any, of the respondents. Subject to aforesaid, the O.A. is disposed of.

Shankar Prasad
(Shankar Prasad)
Member (A)

V.S. Aggarwal
(V.S. Aggarwal)
Chairman

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