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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 383/2002

New Delhi this the 28th day of October, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

Shri Fawitar Singh Bedi,
S/O late Shri Amolak Singh Bedi,
r/o 5327 Shora Kothi, Paharganj,
New Delhi.

..Applicant

(Present in person)

VERSUS

1. The Director (FSP),
Ministry of External Affairs,
Room No.37, South Block,
New Delhi-11
2. The Permanent Mission of India,
to the United Nations, NEW YORK
C/O Ministry of External Affairs,
South Block, New Delhi.
3. The Director of Audit,
Esbassy of India, WASHINGTON
C/O Ministry of Exteral Affairs,
South Block, New Delhi.
4. The Consul General,
Consulate General of India,
ST.PETERSBURG C/O Ministry of
External Affairs, South Block,
New Delhi.

..Respondents

(By Advocate Shri H.K. Gangwani)

O R D E R (ORAL)

(Hon'ble Shri V.K. Majotra, Member (A)

The applicant has basically challenged the order dated 28.1.2002 whereby his period from 25.3.2000 to 25.5.2000 has been treated as unauthorised absence as dies non without break in service and also the respondents' order dated 14.12.2001 whereby on the basis of Ministry of External Affairs T.A.Cell note dated 0.12.2001 he has been asked to refund an amount of Rs.21,555/-.

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2. The applicant as well as learned counsel of respondents Shri H.K.Gangwani have been heard on O.A. We find that the applicant has not enclosed with the OA copy of the note dated 10.12.2001 of the Ministry of External Affairs T.A.Cell. The respondents have also not appended several annexures which have been referred to in their reply to the OA. As these documents have been missing from the OA, we are not in a position to comprehensively adjudicate in the matter. Although learned counsel of the respondents is now prepared to furnish copies of these documents at this stage during the course of hearing, we do not appreciate delay caused by them in the presentation of these documents at this late stage.

3. As regards the settlement of applicant's TA claims, the applicant has alleged that the respondents have not pointed out as to under what rules and instructions they have applied ~~his~~ ^{the} ceiling of dollars 108 PM on TA. The respondents have also not been in a position to apprise us of the rules/instructions in this regard.

4. Learned counsel of the respondents very fairly stated that the respondents would be prepared to consider the entire OA of the applicant as a representation regarding his reliefs and that respondents would be passing a detailed and reasoned order in that regard supported by the relevant rules and instructions.

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5. In the facts and circumstances of the case we are of the considered view that the ends of justice would be fairly met if the respondents consider the entire OA of the applicant as a representation giving personal hearing to the applicant as well, at least at the level of Joint Secretary, and pass a detailed and speaking order in respect of each claim of the applicant which should be supported by relevant rules/instructions, especially if the claims are rejected. Such orders should be passed by the respondents within a period of two months from the date of communication of this order. On remaining aggrieved, the applicant shall have liberty to agitate the same in accordance with law.

V.K.Majotra

(V.K.Majotra)
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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