

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

...

Original Application No.290/00056/2020

Date of Order :14.02.2020

CORAM:

HON'BLE MRS. HINA P.SHAH, MEMBER (J)

HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

Asif Khan S/o Sh. Mohammad Yusuf Khan aged about 37 years, R/o 201/09 Type 2 Quarter, AIIMS Residential Complex, Jodhpur. Presently working on the post of Tutor/Clinical Instructor (Nursing) at AIIMS, Jodhpur.

...Applicant

(By Advocate: Shri S.K. Malik)

Versus

1. Union of India through the Secretary, Government of India, Ministry of Health & Family Welfare, Department of Health, Nirman Bhawan, New Delhi, 110011.
2. The Director, All India Institute of Medical Sciences, Jodhpur-342005.

...Respondents

(By Advocate : Shri K.S. Yadav)

ORDER (Oral)

Per Hon'ble Mrs. Hina P.Shah, Member (J)

The instant Original Application has been filed by the applicants under section 19 of the Administrative Tribunals Act, 1985 for seeking following reliefs:-

- “(i) By an appropriate writ, order of direction respondents may be directed to make payment of Academic Allowance @ Rs 10,000/- per month from the date of appointment upto 30.06.2017 and thereafter w.e.f. 01.07.2017 @ Rs. 22,500/- per month till date and make necessary adjustment of Academic Allowance which has already been paid.
- (ii) Any other relief which is found just and proper be passed in favour of the applicant in the interest of justice.”

2. Mr S.K. Malik, learned counsel for the applicant submitted that the applicant herein is paid less Academic Allowance than other faculty members. He, therefore, submitted that action of the respondents is illegal, arbitrary, discriminatory and contrary to the provisions of law.

3. Mr K.S. Yadav, Central Government Standing Counsel, who is present in the Court, is directed to accept notice on behalf of the respondents and argue the matter.

4. Learned counsel for the respondents submitted that instant OA is premature as the applicant approached this Tribunal without waiting for decision on his representation.

4. At this stage, learned counsel for the applicant submitted that the applicant would be satisfied if the respondents may be directed to decide the representation of the applicant in a time bound manner.

5. In view of the short prayer made by learned counsel for the applicant, we are inclined to dispose of the present OA without going into the merit of the case. Accordingly, respondents are directed to decide the representation of the applicant dated 16.01.2019 (Annex. A/10) in accordance with rules by passing reasoned and speaking order within a period of eight weeks

from the date of receipt of a certified copy of this order. Thereafter, if any grievance remains to the applicant, he is at liberty to approach the appropriate forum for redressal of the same.

6. OA is thus disposed of as stated above, with no order as to costs.

(ARCHANA NIGAM)
ADMV. MEMBER

(HINA P.SHAH)
JUDL. MEMBER

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