

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2480/98

(14)

New Delhi this the 21st day of January, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Dr. Sita Ram Sharma,
R/O T.U. 39, Vishakha Enclave,
Pitam Pura, Delhi-34.

..Applicant

(None for the applicant)

Versus

1. Lt. Governor, Delhi.
through its Chief Secretary,
Govt. of NCT of Delhi,
5 Sham Nath Marg, Delhi.

2. Director of Education,
Delhi Admn. Old Secretariat,
Delhi.

..Respondents

(By Advocate Shri Vijay Pandita)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This case was listed at Serial No.9 in today's cause list. It is seen that none had appeared for the applicant even on the last date i.e. 9.12.1999.

2. In view of the above, I have heard Shri Vijay Pandita, learned counsel for the respondents and perused the records.

3. The applicant has filed this OA seeking a direction to the respondents to make payment of Rs. 25,000/- towards the same amount which according to him had been illegally withheld.

4. This is the second round of litigation. It is noticed that the applicant had filed an earlier OA 2074/93 which was disposed of by order dated 23.8.96. In that order, it has been noted that the respondents had deducted Rs. 60,000/- from the gratuity payable to the applicant illegally. Out of it, the respondents have issued a release order of Rs. 25,000/- on 5.7.94. The applicant had complained that this amount has still not been paid and no account has been given to him


B: 1. The applicant has filed this OA seeking a direction to the respondents to make payment of Rs. 25,000/- towards the same amount which according to him had been illegally withheld.

18

towards the deduction of amount Rs.35,000 interest on the House Building Advance. The Tribunal in the order dated 23.8.96 had disposed of the OA with certain directions contained in paragraph 6. It was directed, inter alia, that the respondents shall pay interest @ 12% from the date of retirement till the date of actual payment on certain amounts, including the amount of Rs.25,000 within one month from 5.7.94. In the present OA, applicant seeks a direction to the respondents to pay Rs.25,000/- along with 24% interest from the date of superannuation till the date of payment which is due, on account of illegal and unauthorised deduction from the gratuity or may pass any other order or directions. The respondents in their reply have submitted that they have complied with the directions of the Tribunal's order dated 23.8.96 in OA 2074/93. They have also stated that the required statement of account has already been given, including the amount of Rs.25,000/-, which the applicant claims is the amount in the present OA.

5. In view of the above facts and circumstances of the case, there is no merit in the OA, apart from the fact that it is also barred by the principles of res-judicata.

6. In the result, OA fails and is dismissed. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member (J)

sk