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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D.A.No.1466/94

New Delhi, This the 9th Day of August 1994

Hon'ble Shri J P Sharma, Member(J)

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri M R Dewan IFS(AGMU)
D-315, Nirman Vihar
Delhi 110092.

...Applicant

By Applicant in person

Versus

1. The Secretary, Ministry of Environment and Forest, Parayavaran Bhawan, CGO Complex, Lodi Road, New Delhi 110003.
2. The Joint Cadre Authority, For AGMU Cadre Through the Joint Secy(UT Division) Ministry of Home Affairs, New Delhi.
3. The Secy. Forest/Principal Chief Conservator of Forest, Port Blair(ANI)

..Respondents

By Shri V S R Krishna, Advocate

O R D E R(oral)

Hon'ble Shri J P Sharma, Member(J)

1. The applicant has assailed the orders dated 27-9-93 and 10-2-93 in this OA. He has prayed for the grant of following reliefs:-

- (a) Set aside/quash/directed to revoke the impugned orders as having been issued without jurisdiction and against the provisions of law and in violation of Govt. instructions and law laid down by Courts of Law including the Hon'ble Supreme Court.
- (b) Towards exemplary cost to compensate the financial/physical and mental loss/damage caused to the applicant and his family, specially to the study/career of the only daughter studying in XII.
- (c) Pass any other order/orders and direction/directions and any instructions as deem fit and proper for the sake of justice.

- (d) Direct the respondents to give any post at Delhi (Choice Post) in view of Govt circulars and decision taken by Hon.CAT Guwahati Bench in case of Chander Prakash IPS (AGMU) and true copy was issued on 19.7.1993. OR to issue the release order so that the applicant may join the service at Delhi with the Delhi Govt. for his regular medical treatment at AIIMS New Delhi and for the proper education of his only daughter.
- (e) Direct the respondents to pay full payment pending since 1.1.1985 along with 2% interest P.M. (after issuing the revised pay slip after implementing the orders of HT dated 8.9.1986 and 6.9.1988) which is amounting more than Rs.15,000000/-.

2. He has also prayed for the following interim relief:-

- (a) To stay the operations of impugned orders and to allow the applicant to stay at Delhi.
- (b) To direct the respondents to allow the applicant to work with the Govt of Delhi.
- (c) To direct the respondents to pay at least Rs.60,000/- without delay for the survival of family and to repay the loans taken for feeding the family and to meet the expenses of medical treatment and study of the only daughter studying in class XII presently.
- (d) To direct the respondent to provide any accommodation at Delhi for the family and applicant even one category less than the entitlement of the applicant in view of medical treatment and study of child till a regular post is given at Delhi or relieved to allow to work on deputation at Delhi.
- (e) To pay part subsistence allowance


3. We issued notice to the respondents. Shri V S R Krishna appeared on 4.8.94 on behalf of the respondents and the case was posted for hearing on interim relief to-day. When the case came up for hearing to-day

we heard the applicant in person. However the applicant submitted application to withdraw the OA. The applicant also stated that he has already filed a OA 222/94 in this Bench of the Tribunal we ordered to put up the file OA 222/94 decided on 2-6-94 for our perusal and the case was given a pass over. At about 1 P M the case was again taken up. The applicant however, raised a doubt that Shri V S R Krishna has not filed the Vakalatnama in this case and he cannot argue on behalf of the respondents. The Bench directed Shri V S R Krishna to file the Vakalatnama at 2.P.M.

4. The learned counsel for the respondents pointed that similar issues were raised in OA 222/94 which was disposed of on 2.6.94 by the Principal Bench. However , this OA is ordered to be withdrawn with a liberty to the applicant to file a fresh OA subject to the plea of res-judicata arising out in the subsequent OA by virtue of the decision of the OA 222/94 decided on 2.6.94. No costs.


(P.T. THIRUVENGADAM)
Member (A)

LCP


(J P SHARMA)
Member (J)