

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA.No.1075 of 2000

New Delhi, this 25th day of May, 2001

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HON'BLE SHRI M.P.SINGH, MEMBER(A)

Dr. Dinesh Kumar Paliwal
Presently, Consul (Education)
Consulate General of India, New York
3 East, 64th Street, New York
NY 10021, U.S.A.

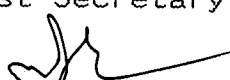
... Applicant

(By Advocate: Shri U. Srivastava)

versus

Union of India, through

1. The Foreign Secretary,
Ministry of External Affairs,
South Block,
New Delhi-110011
2. The Secretary,
Department of Secondary Education
and Higher Education,
Ministry of Human Resource Development
Shastri Bhawan
New Delhi-110001
3. The Consul General,
Consulate General of India, New York,
3 East, 64th Street, New York,
NY 10021, U.S.A.
4. The Permanent Representative
of India to the United Nations,
Permanent Mission of India to the UN,
235 East, 43rd Street, New York,
NY 10017, U.S.A.
5. Shri Anup Mudgal
the then, Deputy Secretary (FSP),
Ministry of External Affairs,
South Block, New Delhi-110011
Presently, Consellor in
Embassy of India in Brussels,
Belgium.
6. Shri Harish Kumar Bhasin
Former Consul General of India in New York
Presently, High Commissioner of India
South Africa, Pretoria
South Africa
7. Dr. A.V.S. Ramesh Chandra
the then, Deputy Secretary (FSP),
Ministry of External Affairs,
South Block, New Delhi-110011
Presently, First Secretary



Permanent Mission of India to the
United Nations,
235 East, 43rd Street, New York,
NY 10017, U.S.A.

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8. Smt. Shashi U. Tripath
Consul General of India,
Consulate General of India, New York,
3 East, 64th Street, New York,
NY 10021, U.S.A.
9. Shri Azad Singh Toor
Head of Chancery,
Consulate General of India, New York,
3 East, 64th Street, New York,
NY 10021, U.S.A.

...Respondents

(By Advocate: Shri H.K. Gangwani)

ORDER(oral)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 2.2.2000 whereby the respondents have settled the reimbursement amount of Representational Grant (RG, for short) as First Secretary.

2. The brief facts of the case, as stated by the applicant, are that he was appointed by the respondents as Consul (Education) in the Consulate General of India, New York, vide order dated 22.9.1997. The post of Consul(Education) is maintained on the budgetary strength of Human Resource Development Ministry and the tenure of the applicant was fixed for a period of three years. It is alleged by the applicant that he was not granted the diplomatic status of the First Secretary by the respondents. Aggrieved by this, he has filed OA.No.234/99 in the Tribunal



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which was disposed on 10.5.1999 with the following directions:

"In view of what has been held and discussed above this OA is to be allowed. We accordingly allow the OA, quash the impugned order/letter dated 5.6.1998 issued by respondent No.1 rejecting the applicant's request for diplomatic status equivalent to First Secretary and hereby direct the respondents to grant that status to the applicant from the very inception i.e. from the date the applicant was appointed. The applicant would also be entitled to the consequential benefits from the date of his initial appointment."

3. The applicant has also alleged that he has not been ~~been~~² fully re-imbursed the balance expenditure incurred on RG.² Aggrieved by this, he has filed this OA by praying for directions to the respondent Nos.1,2 &3 to reimburse the balance expenditure incurred by the applicant from his RG as First Secretary and also pay him all dues such as D.A. and reimbursement of Baby Sitting Charges.

4. The respondents have contested the OA and have stated that the applicant has been paid

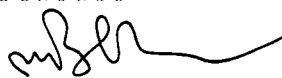


enhanced RG as per diplomatic rank of First Secretary. He sought extension for the period from 21.10.2000 to 31.7.2001. The respondents have decided to extend the term of the applicant up to July 2001 and the approval of respondent No.1 was conveyed to respondent No.2. As regards the release of arrears of RG to the applicant for the period from March to November 1999, the sanction has been accorded upon and an amount of US\$1833.33 has been released to him. In view of these submissions, there are no grounds for the applicant to pursue this application.

5. Respondent No.2 has also filed a reply on the same lines.

6. Heard the learned counsel for the parties and perused the record.

7. During the course of the arguments, the learned counsel for the respondents submitted that relief claimed by the applicant for reimbursement of the balance expenditure incurred by the applicant from his RG as First Secretary and also pay him all dues such as D.A. and reimbursement of Baby Sitting Charges have been paid to him. It has also been decided to extend the term of the applicant up to July 2001. Since the relief claimed by the applicant have been granted to him by the respondents, the OA has become infructuous.



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8. After hearing both the learned counsel and perusing the record, I am of the considered view that the dues claimed by the applicant have been paid to him by the respondents and he has also been granted further extension of his tenure as requested by him. The relief claimed by the applicant does not survive anymore.

9. For the reasons stated above, the OA is dismissed as infructuous. No order as to costs.


(M. P. Singh)
Member(A)

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