

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

M.A.No.3106/2000 in O.A.NO.1323/2000

HON'BLE SHRI SHANKER RAJU, MEMBER(J)

New Delhi, this the 8th day of February, 2001

Amarjit Kaur
w/o Shri Jaswant Singh
Burgernzielweg 12
3006 Berne
Switzer Land. Applicant

(By Shri D.C.Vohra, Advocate)

Vs.

1. Union of India through
The Foreign Secretary
Govt. of India
Ministry of External Affairs
South Block
New Delhi - 110 011.
2. Embassy of India
Berne - Switzerland
through
Ambassador of India
c/o Ministry of External Affairs
South Block
New Delhi - 110 011.
3. Shri Sunder Lal
Messenger
Embassy of India
Berne - Switzerland
through
Ministry of External Affairs
South Block
New Delhi - 110 011. Respondents

(By Shri V.S.R.Krishna, Advocate for R-1 and 2
Shri Anoop Bagai, Advocate for R-3)

O R D E R (Oral)

The grievance of the applicant in this case is that her termination from service after rendering service of about 11 years without following the principle of 'last come first go' is illegal. The official respondents in their reply conceded to the contentions of the applicant regarding not following the principle of 'last come first go' and it has been stated that as the principle of 'last come first go' would also be applicable in the case of the applicant

with the result the impugned order dated 27.10.1999 has to be re-examined in the light of payment of gratuity leave salary etc. which has already been paid to her and which has to be recovered in case the order dated 27.10.1999 is recalled.

2. Shri Anoop Bagai, learned counsel for Respondent No.3 (Private Respondent) vehemently opposed the action of the official respondents by reinstating the applicant and as a consequence replaced Respondent No.3 for which a separate OA No.2501/2001 has already been filed by Respondent No.3.

3. MA No.3106/2000 has been filed by the applicant for seeking proper direction to the respondents to issue proper orders reinstating the applicant in pursuance of their decision taken to observe the principle of 'last come first go' in the case of the applicant.

4. In pursuance of the re-examination of the order dated 27.10.1999 it has been stated at the Bar by the learned counsel for the applicant that the applicant had resumed her duty on 8.1.2001. Since the impugned order has been re-examined and set aside by the respondents themselves, the OA has become infructuous.

5. With regard to the relief claimed by the applicant regarding the consequential benefits including back wages w.e.f. 1.11.1999 to the date of reinstatement, I direct the respondents to examine

this aspect and appropriate orders may be passed in accordance with law within the period of two months from the date of receipt of a copy of this order. In case, if the applicant still feel aggrieved by the order passed by the respondents as regards the consequential benefits, he is at liberty to approach this Tribunal in accordance with law.

6. Both the OA and the MA are disposed of accordingly. No costs.

S. Raju
(SHANKER RAJU)
MEMBER(J)

/RAO/