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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 863/1988. DATE OF DECISION: 31-7-1991.

Radha Kant Jha Applicant.

V/s.

Union of India & Anr. Respondents.

CORAM: Hon'ble Mr. Justice U.C. Srivastava, Vice Chairman (J)
Hon'ble Mr. I.P. Gupta, Member (A).

Shri G.D. Gupta, counsel for the Applicant.
Shri N.S. Mehta, Sr. Standing Counsel for the Respondents.

(Judgment of the Bench delivered by
Hon'ble Mr. Justice U.C. Srivastava,
Vice Chairman (J).

JUDGMENT

The applicant herein, who started his career as a Teacher - Instructor in the Teachers Training Wings Reformatory School, Hazaribagh, Bihar, ultimately landed in Andaman & Nicobar Islands, for his appointment to the post of Instructor (Cane & Bamboo Works) under Andaman Nicobar Administration. Promotions were also given to him by the Andaman and Nicobar Administration. His services were, however, terminated vide order dated 11.5.1971 with retrospective effect i.e., from 25th July, 1967. The termination order was challenged by the applicant before the High Court of Calcutta and the High Court allowed the writ petition only to the extent that the termination order will come into effect only from 11th May, 1971 and not from 25.7.1967. The applicant approached the Supreme Court thereafter and the Supreme Court allowed the application and quashed the termination order and passed the following order: -

".....we think that the interests of justice will be sufficiently met if the appellant is awarded three-fourth back wages from the date of termination of service up to date or to the date of his attaining the age of 58 yrs. whichever is earlier. It is so ordered. The amount due to the appellant less whatever amount has already been paid to the appellant will be paid to him within four months from today."

Thereafter, it appears that the amount was calculated and

according to the respondents, the applicant was entitled to an amount of Rs.1,81,821/- while, according to the applicant, he was entitled to Rs.5,00,431/- . He again approached the Supreme Court in Civil Miscellaneous Petition No.8555 of 1988 and in the said petition, the following order was passed: -

" The question raised in this application really falls for consideration in a proceeding for execution of order of this Court. The executing court will take steps for computing the amount due to the workman - the appellant. We trust it will be possible for the executing court that the computation is completed expeditiously. The application is disposed of accordingly. "

It appears that the amount has not been settled so far. The applicant has approached this Tribunal in respect of the amount which is disputed.

2. Learned counsel for the respondents has pleaded that this application is not maintainable before this Tribunal in view of the fact that it is beyond its jurisdiction under Section 19 of the Administrative Tribunals Act and further the direction given by the Supreme Court cannot be varied or modified by the Tribunal.

3. Obviously, the instant application is not against any particular order. On the other hand, it is in respect of the computation of the amount and such a computation apparently is not covered by Section 19 of the Administrative Tribunals Act. In accordance with the order of the Hon'ble Supreme Court, the applicant was to approach the executing court and in view of the direction given by the Supreme Court in its order dated 12.4.88, that the computation is completed expeditiously, there appears to be no reason why the executing court will not decide the matter within a period of three months from the date the applicant approaches it.

4. In view of what is stated above, the application is hereby rejected as not maintainable. There shall be no order as to costs.

I.P. GUPTA
(I.P. GUPTA)
Member(A)

U.C. SRIVASTAVA
(U.C. SRIVASTAVA)
Vice Chairman (J)

31.7.1991.