

(Open Court)

Central Administrative Tribunal, Allahabad Bench, Allahabad

O.A. No.330/00527/2020

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

Hon'ble Mr. Navin Tandon, Member (A)

This the 26th day of October, 2020.

Shyambeer Singh Chahar aged about 50 years son of Sri Narayan Singh r/o House No. 7, Khasra No. 12, Gwalior Road, Cantt Agra, Old Suraksha Vihar, Rohta, District- Agra..

Applicant

By Advocate: Sri Virendra Singh

Versus

1. Union of India through Secretary, Ministry of HRD, New Delhi.
2. Commissioner, Navodaya Vidyalaya Samiti, Noida, B-15, Institutional Area, Sector 62, Noida District- Gautam Buddh Nagar, Uttar Pradesh- 201307.
3. Deputy Commissioner, Navodaya Vidyalaya Samiti, Lekhraj Panna Complex, Illrd Floor, Sector -2, Vikas Nagar, Lucknow-226002.
4. Principal, Jawahar Navodaya Vidyalaya Village –Uncha Gaon, Kairana District- Shamli, U.P. 247774.

Respondents

By Advocate: Sri Jitendra Prasad

ORDER

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

Heard Learned counsel for the applicant, Learned counsel for respondents and perused the record.

2. At the very outset, learned counsel for the applicant submitted that applicant will be satisfied at this stage, if the respondents are directed to decide the pending representation dated 1.10.2019 (**Annexure A-15 to the O.A.**) by a reasoned and speaking order within a time bound manner, as already directed in the earlier order dated 30.09.2020.

3. Learned counsel for respondents has raised objection even against the aforesaid limited prayer of the applicant's Counsel, by contending that no such relief can be claimed, which has not been claimed in the pleadings of the O.A. by the applicant. Moreover, vide order dated 30.9.2020, Counter Affidavit was also called from the respondents, so he may be granted some time to file counter affidavit.

4, In this case, on 30.9.2020, the following order was passed by this Tribunal:-

“We have joined this Division Bench online through video conferencing facility.

Shri Virendra Singh, Advocate for the applicant is present online through video conferencing and Shri Jitendra Prasad, Advocate for the respondents is present in court.

Heard on admission and perused the record available with us in PDF form.

Learned counsel for the applicant submitted that the applicant had earlier on account of his family condition submitted his resignation on 04.06.2019. Due to changed circumstances, however, he moved an application on 29.07.2019, received in the office of respondent No. 4 on 07.08.2019, for withdrawal of his resignation.

However, the respondent No. 3 has accepted the resignation of applicant vide order dated 03.09.2019 w.e.f. 01.08.2019 which is not justified in the context of the resignation withdrawal letter being sent much earlier. Therefore, aggrieved against the order dated 03.09.2019, the applicant has moved an appeal dated 01.10.2019 which is still pending.

Learned counsel for the respondents submitted that the applicant had filed a Writ Petition No. 4992/2020 in respect of his dues following the resignation and the order of the Hon High Court dated 13.07.2020 directing release of post resignation dues of about Rs 11 lacs has been complied and the applicant has received and even accepted the amount. It is further submitted that the O.A. is time barred.

The Id applicant counsel later submitted that the applicant is ready to return the amounts received pursuant to acceptance of his resignation.

Given the circumstances and facts above, we direct that the respondents decide the representation dated 01.10.2019 within a period of four weeks from the date of receipt of a certified copy of this order.

Meanwhile, short counter affidavit be filed within four weeks.

Copy of the order be given to both the parties.

List this case on 26.10.2020.”

5. Learned counsel for applicant submitted that in compliance of the aforesaid order, he had sent the copy of the aforesaid order to the concerned respondents by registered post AD on 5th October, 2020. However, he has not received any information whether his representation has been decided or not.

6. Learned counsel for respondents submitted that as per the statement of learned counsel of applicant, the copy of the order dated 30.9.2020 passed by this Tribunal has been sent to the respondents on 5th October, 2020 by registered post AD. Normally, it takes a time of two weeks to reach its destination. Presently, in the time of Corona, it may take more time to reach the respondents. Therefore, 4 weeks further time may be granted to the respondents to decide the representation dated 1.10.2019 of the applicant from the date of receipt of the order.

7. Considering the limited prayer made by the learned counsel for applicant today, no fruitful purpose will be served in keeping this O.A. pending. Vide order dated 30.9.2020, we have already directed the respondents to decide the representation dated 1.10.2019, within a period of 4 weeks from the date of receipt of certified copy of order dated 30.9.2020.

8. In view of the above, and also considering the prayer made by learned counsel for respondents to give some more time to the respondents to take decision on the representation of the applicant,, this O.A. is disposed of finally with a direction to the competent authority from amongst the respondents, to decide the representation of the applicant dated 1.10..2019 **(Annexure No. A-15 to the O.A.)** , within a period of two months from the date of receipt of certified copy of this order, in accordance with law by a well reasoned and speaking order.

9. The order so passed shall be communicated to the applicant without any delay.

10. With the aforesaid direction, the O.A. is finally disposed off. It is made clear that we have not expressed any opinion on the merit of the case.

11. No order as to costs.

12. Mr. Navin Tandon, Member (A) has consented to this order during video conferencing.

(Navin Tandon)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

HLS/-

