

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 719
T.A. No. 719

1986.

DATE OF DECISION September 18, 1986

Shri Rajayya Basi, Petitioner

- Advocate for the Petitioner(s)

Versus

P.M.G. Orissa Circle and others, Respondent


- Advocate for the Respondent(s)


CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes.*
2. To be referred to the Reporter or not? *Yes.*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to other Benches? *Yes.*


(Kaushal Kumar)
Member
18.9.1986.


(K. Madhava Reddy)
Chairman.
18.9.1986.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. OA 718/86.

Dated: 18th September, 1986.

Shri Rajayya Basi	Applicant.
	Vs.	
P.MG. Orissa Circle and others.	...	Respondent.

CORAM:

Shri Justice K. Madhava Reddy, Chairman.
Shri Kaushal Kumar, Member.

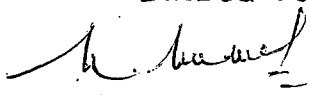
(Judgment of the Bench delivered by Shri
Justice K. Madhava Reddy, Chairman).

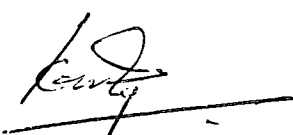
The applicant herein had paid a fee of Rs. 50/- along with his application under Section 19 of the Administrative Tribunals Act, 1985 for redressal of his grievance as prescribed under the Rules. That application was, however, defective. Unless the defects were removed, the application could not be registered and his grievance could not be considered on merits. The applicant has stated that he is not in a position to remove the defects and that he would not like to pursue the matter and requested that the fee of Rs. 50/- paid by him be refunded. The question is whether this Tribunal has jurisdiction to direct the refund of fee of Rs. 50/- paid under Rule 7 of the Central Administrative Tribunal (Procedure) Rules, 1985. The fee paid under Rule 7 cannot be termed as Court Fee because it is not payable under the Court Fee Act. There is provision for refund of Court Fee when the plaint is returned or is withdrawn at the preliminary stage. There is also provision therein for refund of such portion of court fee as the court may deem fit if the suit after registration is withdrawn at a subsequent stage. There is also similar provision for directing refund of court fee paid on the memorandum of appeal. But since the provisions of the Court Fee Act do not specifically apply, the question of refund of fee paid under Rule 7 has to be examined in the light of the provisions in the Administrative Tribunals Act.

and on general principles.

Fee is payable on an application under Section 19 of the Act. That application would be deemed to be proper application only when it is filed in accordance with the Rules. That application was not filed according to Rules and the defects were pointed out by the Registry on scrutiny. Unless the defects pointed out by the Registry are removed, it could not be registered and further action taken thereon. At that stage when the applicant had stated that he is no longer interested to prosecute the matter and requested for refund^{ing} the fee of Rs.50/- paid, the Tribunal has no option but to return the application and the fee paid under Rule 7. Fee is generally for services to be rendered. The application for redressal of grievance not having been registered at all, there is no reason why the fee should not be refunded. There is no Rule which prohibits such refund. It is against all principles of natural justice to charge a fee without registering the case. Even if the applicant's Demand Draft/Postal Order is encashed, the application will be refunded to the applicant and the fee of Rs.50/- shall also be refunded.

Ordered accordingly.


(Kaushal Kumar)
Member
18.9.1986.


(K. Madhava Reddy)
Chairman
18.9.1986.