

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

CIRCUIT SITTING AT NAINITAL

THIS THE 23rd DAY OF OCTOBER, 2002

Original Application No. 35 of 1998

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Arjun Deo, son of Sri Jagdeo  
R/o village Mahua Pathak,  
P.O.Gaura Bazar, district  
Sidharh Nagar.

... Applicant

Versus

1. Union of India through the Secretary  
Ministry of Defence, Govt. of India,  
New Delhi.
2. The Deputy Director General,  
Military Farm, Army headquarters  
Q.M.G.Branch, R.K.Puram  
New Delhi.
3. The Deputy Director, Military  
Farm, Headquarters Central  
Command, Lucknow.
4. The Officer-in-charge,  
Military Farm, Pitauragarh.

... Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 19 of A.T.Act 1985 applicant  
has prayed for a direction to the respondents to  
regularise the period of applicant w.e.f. 4.4.1991 to  
20.12.1993 and further they be directed to pay him  
salary and other allowances for the said period with  
interest @ 18% per annum and they may also be directed  
to correct the fixation of pay of the applicant  
accordingly.



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The facts giving rise to this application are that applicant was appointed as Foreman on 1.4.1975. Subsequently he was confirmed on the post. By order dated 3.4.1991 applicant was transferred from Allahabad to Pithoragarh. he filed OA No.1277/92 and claimed a direction to the respondents to pay the transfer allowance to the applicant and also that respondents may be directed to allow him to join at Military Farm Depot, Pithoragarh. The applicant prayed for other reliefs also which are not relevant for the present dispute. The Tribunal passed a detailed interim order on 18.8.1993, a copy of which has been filed as (Annexure 4 to the OA). The order is being reproduced below:-

"Shri Satish Dwivedi, learned counsel for the applicant. Km. Sadhna Srivastava, learned counsel for the respondents. Without going into the controversy whether the respondents at any time offered payment to the applicant and on the admission of the respondents that the arrears of salary due to the applicant and the amount of transfer allowance and house rent allowance due to the applicant have not been paid to the applicant, it is directed that the respondents shall make payment of salary and the transfer allowance due to the applicant within a fortnight from today, so that the applicant is able to move on transfer for his posting at military farm Pithoragarh from his present posting Lahra Camp under Military Farm Allahabad."

In pursuance of the aforesaid direction respondents offered a cheque of Rs24,754/- to the petitioner on 9.11.1993 before the Tribunal. The OA No.1277/92 was thereafter disposed of finally on 9.11.1993 with the following direction.

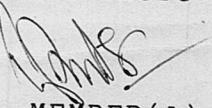
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"..... the petitioner will now comply with the order of transfer and will join at Pithoragarh to which place the respondents have transferred him by the impugned order within two weeks from the date of this order. This petition shall stand disposed of accordingly."

In pursuance of the above order the applicant joined at Pithoragarh on 21.12.1993. The applicant was allowed to join his duty but he has not been paid salary for the period mentioned above nor he has been granted continuity. For this purpose the applicant made a representation on 31.8.1996 but no decision has yet been taken.

The respondents have filed counter affidavit. In paragraph 12 of the counter affidavit it has been stated that the decision is still awaited as the matter is still pending before the Competent Authority. In our opinion, it would not be proper for this Tribunal to interfere at this stage except for a direction to take a decision in the light of the orders passed in OA No.1277/92 at an early date.

The OA is accordingly disposed of finally with the direction to respondent no.3, the Deputy Director Military Farm, Headquarters Central Command Lucknow to decide the representation of the applicant by a reasoned order in the light of the orders passed in OA No.1277/92 within a period of 4 months from the date of receipt of the copy of this order. There will be no order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 23.10.2002

Uv/