

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated : This the 06th day of February, 2004

O.A.No. 1414 of 2001

HON'BLE MR. D.R.TIWARI, MEMBER(A)

Chandra Dhar Pathak son of Late Shri Laxman Pathak, Principal
Jawahar Vidyalaya, Mariahu, District Jaunpur.

.....Applicant.

By Advocate: Shri S.Singh

V E R S U S

1. Union of India, through Secretary, Ministry of Human Resource Development, Government of India, New Delhi.
2. Commissioner, Navodaya Vidyalaya Samiti, Indra Gandhi Stadium, Inder Prasth Estate, New Delhi.
3. Shri V.K.Sharma, Dy. Director (Personnel & Establishment) Navodaya Vidyalaya Samiti, Inder Prasth Estate, Indra Gandhi Stadium, New Delhi.
4. Deputy Director (Administration), Navodaya Vidyalaya Samiti, Indra Gandhi Stadium, Inder Prasth Estate, New Delhi.
5. Deputy Director, Navodaya Vidyalaya Samiti, Lucknow Region, 10-Sector-C, Aliganj, Lucknow.
- 6: Shri M.L,Sharma, the Then Deputy Director (Administration), Navodaya Vidyalaya Samiti, New Delhi presently posted as Deputy Director, Navodaya Vidyalaya Samiti, Shillong Region, Mongrim Hills, (Near Nagaland House), Shillong- 793001(Meghalaya).
7. Shri S.Nayeem Akhtar, Catering Assistant, Jawahar Navodaya Vidyalaya, Mariahu, District Jaunpur.

.....Respondents.

By Advocate :- Shri Vinod Swaroop

O R D E R

Shri Saumitra Singh, learned counsel for the applicant stated that he has no objection if M.A.No. 1653 of 2003 is allowed and the O.A. is treated as infructuous. He further submitted that in his Rejoinder Affidavit that during the pendency of the O.A. the applicant retired on 31.12.2002 and he has been paid certain items of the retiral benefits. However, he has stated that so far the applicant has not been paid the following:-

" a) The management's share of 10% of the basic salary which is added in the Contributory Provident Fund, has till date not being paid to the applicant.

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- b) No gratuity has been paid to the applicant till date.
- d) Arrears of salary due to the applicant after deducting the paid suspension allowance w.e.f. 20.10.2001 till the date of retirement, including the annual increment due to the applicant in the month of the May 2002 has not been paid till date.
- e) Further transfer/retiral allowances which are still due upon the applicant has not been paid till date. "

He further stated that benefit of leave encashment may also be granted to the applicant.

2. In view of the facts stated above the O.A. is dismissed as infructuous subject to the condition that the payment against certain items referred to above is also expeditiously paid to the applicant within a period of two months.

3. There will be no order as to costs.

Dhawal
Member (A)

Brijesh/-