

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF AUGUST, 2001

Original Application No.885 of 2001

CORAM:

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

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

Dr.Krishna Chandra Dubey, a/a 55 years
Son of Sri Ram raj Dubey, Resident
of B-28 Trans-Yamuna Colony, Agra posted
as Senior Scientist, Soil & Water Conservation
Research and Training Institute
Jalesar, Agra.

... Applicant

(By Adv: Shri Sudhir Agrawal)

Versus

1. Indian Council of Agricultural
Research, Krishi Bhawan, New
Delhi through its Director
General.
2. The Director, Central Soil & Water
Conservation Research & Training
Institute, 21-B Kaulagarh Road
Dehradun
3. Head, Central Soil & water Conservation
Research & training Institute
Research Centre, Jalesar, Agra.

... Respondents

(By Adv: Shri N.P.Singh)

O R D E R(Oral)

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

By this OA the applicant has prayed that the
respondents may be directed to pay the applicant ~~the~~⁴
salary of the post of Senior Scientist since 29.11.1998
till date and to pay it regularly whenever it falls due.

the facts of the case are that the applicant was
transferred from Agra to Korapur in Orissa vide order
dated 24.11.1998. This order of transfer was challenged
in this Tribunal by filing OA No.1372/98. This Tribunal
initially granted interim order on 7.12.1998 directing to
maintain statusquo until further orders, ~~The~~⁴ OA was
however ultimately dismissed by order dated 10.11.2000.

Against the above order applicant has filed writ petition No.52249/2000 before hon'ble High court which is pending and in which interim order has been passed on 1.12.2000 to the following effect:

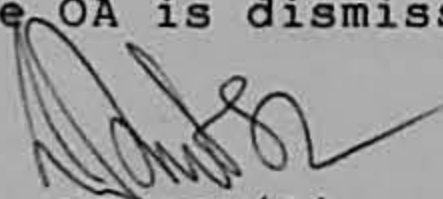
".... In the meanwhile till 8.12.2000 the statusquo as existing today shall be maintained...."


The applicant's claim is under the aforesaid interim order that the applicant is working as Senior Scientist but he has not been paid salary. According to learned counsel for the applicant it is fresh cause of action for him and therefore this fresh OA has been filed.

Shri N.P.Singh learned counsel for the respondents, on the other hand, submitted that this OA is legally not maintainable as the claim of the applicant is based on interim order passed by Hon'ble High court and there is no question of there being any fresh cause of action.

We have considered the submissions of the learned counsel for the parties. In our opinion, as applicant's claim that he is working on the post, is based on the interim order passed by Hon'ble High court, if he is not being paid salary, this grievance should also be placed before the same court. It shall not be appropriate for this Tribunal to entertain this petition. The grievance of the applicant directly flows from the interim order passed by the hon'ble High court, where the writ petition is still pending, hence it may be redressed there.

For the reasons stated above we are not inclined to interfere. the OA is dismissed. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated:09.8.2001