

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 11th day of OCTOBER 2004.

Original Application no. 1189 of 2004.

Hon'ble Mr. A.K. Bhatnagar, Member J
Hon'ble Mrs. Roli Srivastava, Member A

Pratima Jacob, S/o Late Sri P. Elisha,
R/o C-410, Rajendra Nagar, Bareilly.

... Applicant

By Adv : Sri R.C. Sinha

V E R S U S

1. Union of India through the Secretary,
Ministry of External Affairs,
NEW DELHI.
2. Chief Passport Officer-cum-Joint Secretary,
Govt. of India, Ministry of External Affairs,
(C.P.V. Division), Patiala House, Annexie, Tilak Marg,
NEW DELHI.
3. Passport Officer, Govt. of India,
Ministry of External Affairs,
BAREILLY.

... Respondents

By Adv : Sri S. Singh

O R D E R

A.K. Bhatnagar, JM

By this OA, filed under Section 19 of the A.T.
Act, 1985, the applicant has ~~prayed~~ for the following
reliefs :-

"a issuing/passing of an order or direction setting
aside the impugned orders dated 23.07.2004 and 03.08.2004
06.08.2004 issued/passed by the respondent Nos 2 and 3

....2/-

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respectively, after summoning the original records.

b. issuing/passing of an order or direction to the respondents to treat the applicant on duty during the intervening period and pay the arrears of salary for the period from 13.11.2000 to 19.05.2004, and also for the period from 01.11.2000 to 12.11.2000 i.e. prior to the date of relieving, together with interest at the market rate of 12% per annum within a specified period of two months."

2. The case in brief as per the applicant is that earlier the applicant was serving in the Army from 13.09.1962 to 14.03.1987. He sought voluntary retirement from Army due to the illness of his wife. He got re-employment in the Passport Office, Bareilly under quota reserved for Ex-servicemen. The grievance of the applicant as averred in para 1 of the O.A. is that the respondents are not making payment of arrears of salary for the period from 13.11.2000 to 19.05.2004 despite the fact that his transfer order has been set aside by this Tribunal and consequently the same has been cancelled by the respondent no. 2 and instead of issuing the order/letter No. V.IV/578/11/87 dated 23.07.2004 for regularizing the period from 13.11.2000 to 19.05.2004 by granting leave due and rest by granting Extra Ordinary leave.

3. Applicant's counsel further submitted that the applicant has sent a representation dated 30.08.2004 to the department regarding his grievance, which is still pending. Applicant's counsel further submitted that the applicant is going to retire in July 2005 and he will be satisfied if his representation dated 30.08.2004 is decided within a specified period.

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4. We have heard the learned counsel for the parties and perused the records. In view of the facts and circumstances we find that this O.A. can be disposed of at the admission stage itself without calling for counter affidavit.

5. Accordingly, the O.A. is disposed of finally at the admission stage itself by issuing direction to the respondent no. 2 to decide the representation of the applicant dated 30.08.2004 (Ann 10) within a period of three months from the date of receipt of copy of this order by a reasoned and speaking order, as the applicant is going to retire shortly. The applicant is also given liberty to file copy of his representation dated 30.08.2004 alongwith copy of this order for early decision.

6. There shall be no order as to costs.


Member-A


Member-J

/pc/