

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALIAHABAD

Original Application No.327 of 2004

Wednesday, this the 31st day of March, 2004

Hon'ble Maj. Gen. K.K. Srivastava, A.M.
Hon'ble Mr. A.K. Bhattachar, J.M.

Dr. R.S. Srivastava,
Senior Scientist, CIFRI,
Allahabad.
Aged as 38 years,
S/o R.A.L. Srivastava,
r/o Guara Beni,
District - Azamgarh.

- Applicant.

(By Advocate : Shri S.S. Tripathi)

Versus

1. Union of India,
through President,
Indian Council of Agricultural
Research, New Delhi.
2. Director,
Central Inland Fisheries
Research Institute,
Barrackpore (W.B.).

- Respondents.

(By Advocate : Shri B.B. Sirohi)

O R D E R

By Hon'ble Maj. Gen. K.K. Srivastava, A.M. :

In this O.A., filed under Section 19 of A.T. Act, 1985, the applicant has prayed for quashing the order of dies non dated 30.9.2003 (Annexure-I) and the order dated 30.1.2004 (Annexure-II) passed by respondent No.2.

2. The facts, in short, are that the applicant joined the respondents' establishment as Scientist on 4.8.1992.

The applicant shifted from Bombay to Allahabad as Senior Scientist CIFRI on 17.4.2000. The grievance of the applicant is that he is being humiliated by respondent No.2 on every front and besides suffering humiliation the applicant is subjected to financial harassment as well by passing the impugned order dated 30.9.2003 and order dated 30.1.2004 declaring number of days to be treated as dies non, though the applicant was either on duty/C.L. or medical leave. Recovery of Rs.5127/- from the pay and salary of February, 2004 onwards has put the applicant to great financial hardship. The applicant filed a representation before respondent No.1 on 1.2.2004 annexing the copies of the earlier representations dated 25.12.2003, 17.1.2004 and 27.1.2004 filed before respondent No.2. The representations of the applicant have not been decided so far.

3. The notice on behalf of the respondents was accepted by Shri B.B.Sirohi, learned counsel for the respondents.

4. We heard the counsel and perused records as well as pleadings.

5. We are of the view that this is a fit case to be decided at the admission stage itself. The interest of justice shall better be served if the applicant is given liberty to file a fresh detailed representation before respondent No.1 and the same is decided by a reasoned and speaking order within a specified time.

6. Having heard the counsel for the applicant at length, we are of the view that the applicant is entitled for legal protection till his representation is decided by respondent No.1.

7. In the facts and circumstances, we provide two weeks time to the applicant to file a detailed representation before respondent No.1 alongwith the copy of this order. The respondent No.1 is directed to decide the representation of the applicant within three months from the date such representation is received by a reasoned and speaking order. We also provide that the operation of the impugned order dated 30.9.2003 (Annexure-I) and 30.1.2004 (Annexure-II) shall remain stayed till the representation is finally decided by respondent No.1.

8. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)

RKM/