

(3)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 5th day of December, 2005.

Quorum : HON. MR. D.R. TIWARI, A.M.

O.A. No. 1426 of 2005

Anant Kumar Sahni, Son of Shri Basani Sahni, Sub-Divisional Engineer, Telecommunication, Barhalganj, District Gorakhpur.

..... Applicant.

Counsel for applicant : Sri I.P. Singh &
Sri S.N. Tripathi

Versus

1. Union of India through the Secretary, Ministry of Telecommunications, New Delhi.
2. The General Manager, Telecommunication, District Gorakhpur.
3. Telecommunication Divisional Engineer, Bahraich.

..... Respondents.

Counsel for respondents : Sri A. Dwivedi.

ORDER

BY HON. MR. D.R. TIWARI, A.M.

By this O.A., filed under section 19 of the A.T. Act, the applicant has sought for the following reliefs :-

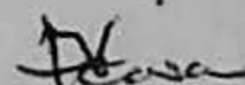
- "a. Issue a writ of mandamus while directing the respondents to refund the deducted amount of Rs.1,20,000/- from the applicant's pay/salary along with interest within a stipulated period.
- b. Issue a writ, order or direction in the nature of mandamus while directing the respondents to decide the applicant's application/representation dated 15.4.2005 (Annexure No.4 to the O.A.) by a reasoned order within a stipulated period."

D.R. Tiwari

2. The applicant prior to this has already approached the Lucknow Bench of this Tribunal and the Lucknow Bench has disposed of the O.A. and the operative portion of the judgment is contained in Para 5 of the order dated 10.12.2000 in O.A. No.182/02. The respondents were restrained from making any recovery from the pay of the applicant and the recovery order was quashed and set aside. Now the applicant has submitted that before the case was decided by the Lucknow Bench, a sum of Rs.1,20,000/- had already been recovered from his salary. For this purpose he has also made a representation dated 15.4.2005 which is at Annexure No.4. I am of the view that interest of justice will be better served if the respondents are directed to consider and decide the representation of the applicant within a specified period. While deciding the representation, they are also directed to take into account the operative portion of the judgment of the Lucknow Bench which has set aside the order for recovery.

3. Under the circumstances, the O.A. is disposed of at the initial stage itself with a direction to the respondents to consider and decide the representation of the applicant within a period of three months by a reasoned and speaking order to be passed and communicated to the applicant from the date of receipt of a copy of this order

No order as to costs.


A.M.

Asthana/