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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (T.A.) No.221 of 1987

Yogendra Pratap Lal Srivastava

....

Petitioner.

Versus

Union of India & others

.....

Respondents.

Hon'ble S. Zaheer Hasan, V.C.
Hon'ble Ajay Johri, A.M.

(Delivered by Hon. Ajay Johri, A.M.)

This writ petition has been received on transfer from the High Court of Judicature at Allahabad under Section 29 of the Administrative Tribunals Act, XIII of 1985.

2. The applicant preferred 21 claims amounting to Rs.1,945.06 P. in connection with his medical treatment. At that time he was posted at Kanpur and his address was 29-B, Khapra Mahal Kanpur. His claim was rejected by the order dated 21.7.1977 (Annexure '9' to the writ petition) which has been challenged in this writ petition

3. The defence is that the applicant was not residing at the aforesaid address, so his claim was rightly rejected.

4. The applicant has filed rent receipt, affidavit of the landlord and the certificate of the Vice-President, Cantonment Board in support of his claim. The department got ~~the~~ inquiry made through C.B.I. We do not know as to what persons were interrogated, ~~what~~ what statements ~~be~~ made and what report was given in details. We are told that C.B.I. reported that the applicant was not residing at the aforesaid address. In the rejection order it has been stated that the rent receipt, affidavit and the certificate were not genuine and there were good reasons to accept C.B.I. report.

5. Of course, we do not sit in appeal in such cases, but to our mind the rules of natural justice have been violated. So

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the impugned order dated 21.7.1977 (Annexure '9' to the writ petition) is quashed. The authorities concerned will supply a copy of the enquiry report submitted by C.B.I. and after hearing the applicant and taking into consideration the evidence led by him pass a final order within three months from the date of receipt of this order. Parties will bear their own costs.

3/3/25/88
MEMBER (A).

Elenna
VICE-CHAIRMAN.

Dated: March 25, 1988.

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