

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

.....

Registration T.A. No. 726 of 1987  
( Writ Petition No. 15736 of 1981 )

Mahesh Kumar Tiwari                      ...                      ...                      Appl.  
Petit.

Versus

The Union of India  
and others                      ...                      ...                      Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C. )

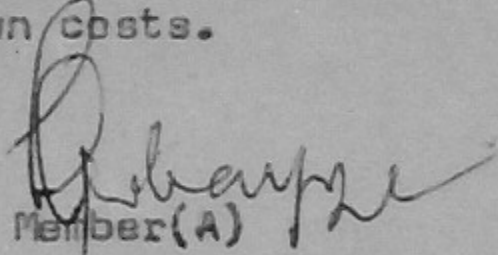
This is a transferred case under Sec.29 of the Administrative Tribunals Act, 1985. By means of this application, the applicant has prayed for issuance of a writ of certiorari quashing the order dated 4.5.1981 and further to issue a writ of mandamus directing the respondents to treat the applicant in service as Extra Departmental Branch post Master, Pur District Ballia and pay him pay and allowances. Prior to this termination order, the applicant was put off duty and thereafter his services were terminated.


2. In the rejoinder affidavit, which has been filed by the applicant himself it has been stated that the said order of termination has been recalled back vide order dated 25.2.1986 and the applicant has been put back on duty. The only grievance of the applicant is that notwithstanding the fact that the termination order has been recalled but he has not been paid allowances and salary to which he was entitled, during this period. In our view, for this very purpose, the

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applicant should approach the department. As for the main relief of the applicant, the application has become infructu. The application is dismissed as infructuous with the further direction that the department shall decide the question of salary and allowances for the period during he was put off the duty in accordance with the rules and in case he is entitled to any payment, the payment shall be made within 3 months from the date of receipt of the copy of this judgment. The application is disposed of with the above observations. Parties to bear their own costs.

  
Member (A)

  
Vice-Chairman

Dated: 21.2.1992

(n.u.)