

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 578 of 1992

Phool Chand and others . . . . . Applicant

Versus

Union of India and others . . . . . Respondents

Hon'ble Mr. Maharaj Din, Member(Judicial)

Hon'ble Mr. V K Seth, Member (Administrative)

( By Hon'ble Mr. Maharaj Din, J M )

This is an application under section 19 of the Administrative Tribunal Act seeking the relief to issue direction to the respondents not to deduct any amount, which has been paid to the applicants as a transfer allowance. It is further stated that the amount which has already been recovered should also be directed to be refunded.

2. The applicants are employed as casual labour and posted at Bharwari, they were transferred from Bharwari to Etawah. On assuming duty at Etawah by transfer, they were paid Rs. 900/- each as a transfer allowance, but subsequently, the department decided to recover the same in installments by deducting Rs. 150/- per month from the salary of the applicants.

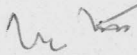
3. The respondents filed counter-affidavit and has stated that after the case has been filed before this tribunal, the matter is being examined by the department. The learned counsel for the applicant has stated that since the matter is already under consideration, therefore, some time limit should be fixed to take the decision and the application can be disposed of at admission stage.


4. We have perused the reply filed by the respondents and in para 5,9 and 14, it has been repeatedly

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said that the matter of the applicant is under consideration. So keeping in view the reply submitted by the respondents, we direct them to take the decision in the matter within a period of three months from the date of communication of this order. The application is disposed of with these observations. The applicant<sup>2</sup> shall, however, be at liberty to come-up before this tribunal if they feel aggrieved by the decision taken by the respondents. Till the decision is taken by the department, the recovery from the salary of the applicant shall remain ~~continued~~<sup>stayed</sup>. The parties are directed to abide by their own costs.

  
Member (A)

  
Member (J)

Allahabad Dated: 19.7.1993

(RKA)