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THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Original Application No. 1761/1993

Virendra Singh Applicant

Vs.

Union of India and others ... Respondents
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HON'BLE MR MAHARAJ DIN, MEMBER(J)
HON'BLE MR S.DAS GUPTA, MEMBER(A)

(by Hon'ble Mr. Maharajdin, Member-J)

The applicant has sought the relief for re-instatement in the service.

The applicant filed an earlier O.A.No.465/91 in which the same relief was asked for. The said O.A. was disposed of finally on merits vide order dated 26-11-92 (Annexure A-1 of Compilation-II). The relief in the present O.A. as well in the aforesaid O.A. is the same. The relief granted in the O.A.No.465/91 reads as under :-

"....The result will be that he will be entitled to all benefits. As a matter of fact this should have been corrected by the Department itself. The respondents are accordingly directed to consider the case of the applicant again in the light of Annexure-II to this application which contains the letter to the above mentioned reference. Let it be done within a period of three months and it is desirable that the applicant may also be associated with the same and his version also be taken. In case it is found that it was a case of mistake, the mistake may be rectified and the applicant may be given benefit of the continuity of pay, pension, restoration etc and instead of reappointment, let it be made as reinstatement."

It has been contended by the learned counsel for the applicant that he submitted representation (Annexure-3

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of Compilation II) for making compliance of the order passed by this Tribunal in O.A.No. 465 of 1991. The representation of the applicant was replied vide letter dated 03-02-1993 (Annexure -1 of Compilation I). The order passed is reproduced as under :

- " 1. Ref your application dated 14 Jan 93.
2. There had been no mistake in termination of your service as LDC from this HQ wef 12 Dec 1969."

In the order passed in the earlier O.A. it has been observed that the case of the applicant be again considered in the light of Annexure-2 to that application. The applicant has filed the copy of Annexure-2 which was filed earlier in O.A.No.465/91 as Annexure-2 of Compilation-II by which ~~maxxxxxxxx~~ ~~xxxxxx~~ it was observed that the discharge of the applicant was irregular and he can be re-appointed. The court in the said O.A. has given direction to the respondents that the case of the applicant be disposed of in the light of Annexure-2 filed in the earlier O.A. and also it has been further observed that it is desirable that the applicant may also be associated with the same and his version also be taken while disposing of the subsequent representation submitted after decision of O.A.No.465 of 1991 dated 14-01-1993. The directions of the court ^{do not} ~~was~~ not appear to have been followed in letter and spirit.

Keeping in view these facts and circumstances we dispose of this application with the observations made above and direct ~~to~~ the respondents to dispose of the representation of the applicant by giving reasoned

(Signature)

and speaking order and in the light of the observations made above.

Thus the application is disposed of with the above observations.


MEMBER (A)


MEMBER (J)

Dated: Allahabad, December 07, 1993.

(VKS PS)
