

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

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Diary No. 3322 of 2002

In

Original Application No. 927 of 2002.

this the 20th day of August 2002.

HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

Net Ram, S/o Sri Fakira, R/o Village & Post Umarsia,
District Bareilly (U.P.)

Applicant.

By Advocate : Sri R.C. Pathak.

Versus.

1. Union of India through the Defence Secretary Ministry, of Defence, Govt. of India, New Delhi.
2. Deputy Director Medical Services, Uttar Bharat Area, Bareilly Cantt.
3. The Commanding Officer, Military Hospital, Bareilly Cantt.
4. The Officer-in-Command in Estt., Military Hospital, Bareilly Cantt.

Respondents.

By Advocate : Sri Gyan Prakash.

O R D E R (ORAL)

This O.A. has been filed under Section 19 of the A.T. Act, 1985 with the prayer to issue mandamus to the respondent no.3 to pay the pay and allowance from 1.10.2001 to 10.10.2001 and subsistence allowance w.e.f. 11.10.2001 @ 50% Basic pay and Full D.A. upto three months and 75% Basic pay plus full D.A. after three months from 11.10.2001 with arrears of the same with 18% penal interest.

2. The brief facts of the case are that the applicant was working as civilian Mali Group 'D' in the office of

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the respondent no.4 namely the Officer-in-Command in Estt., Military Hospital, Bareilly cantt. It is stated that the applicant was suspended vide order dated 13.7.2002 w.e.f. 11.10.2001 in a criminal case under Sections 307, 504 and 506 IPC and remained in jail till 1.5.2002 in which he was allowed to be given subsistence allowance during the period of suspension.

3. The applicant alleges that he has not been given the pay from 1.10.2001 to 10.10.2001 and subsistence allowance during the suspension period. It is submitted that the applicant has made a representation to this effect to the respondent no.2 namely Deputy Director Medical Services, Uttar Bharat Area, Bareilly Cantt., on 6.8.2002 contained at Annexure-13 to the O.A., which is still pending with the respondents.

4. I have heard both the counsel and perused the pleadings on record. I am of the view that the ends of justice would be better served if the representation of the applicant is decided by the respondents within a specified period of time.

5. The O.A. stands disposed of finally with the direction to the respondent no.2 to decide the representation of the applicant dated 6.8.2002, by a reasoned and speaking order, within a period of one month from the date of receipt of this order. The applicant may file a fresh representation alongwith the certified copy of this order if he ^{so} desires.

NO costs.

GIRISH/-


MEMBER (J)