

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

....

original Application No. 1072 of 2002.

this the 18th day of November 2002.

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

Baij Nath Yadav, aged about 59 years, S/o Sri Virmal Yadav,  
R/o Village Masadhi Katahara District Allahabad.

Applicant.

By Advocate : Sri S. Lal

versus.

1. Union of India through its Secretary Ministry of Defence, New Delhi.
2. Director General EME (EME Civ), Army Headquarters, DHQ PO New Delhi.
3. Commandant & M D 508 Army Base Workshop, Allahabad Fort.
4. P.C.D.A., Central Command, Lucknow.

Respondents.

By Advocate : Sri S.B. Singh for Sri R.Sharma.

O R D E R (ORAL)

This O.A. has been filed under Section 19 of the A.T. Act, 1985, with the prayer for quashing the impugned order dated 26.8.2002 (Annexure A-1) passed by the respondent no.3 and further sought a direction to the respondents to pay full pay and allowances continuously without any recovery against the order dated 26.8.2002 till the decision of this O.A. The applicant has further prayed a direction not to recover any amount in pursuance of the impugned order dated 26.8.2002 from the gratuity of the applicant on his retirement and to refund an amount of Rs.3300/- already recovered from his pay and allowances for the month of August 2002 alongwith interest.

2. The case of the applicant, in brief, is that he was serving in Special Repair Group of 508 Army Base Workshop, Chheoki, Allahabad as a Tool Maker and is going to retire on 31.3.2003 after completing 40 years of service. It is claimed by the applicant that he was attacked by some

Arv

miscreants while he was going on duty on 30.12.1989 and as such he sustained serious injuries and due to which he remained in the SRN Hospital for a considerable period. It is stated that the applicant applied for compensation under workman Compensation Act 1923 and after great deal of correspondence, the department paid an amount of Rs.73382/- to the applicant through Compensation Commissioner, Allahabad in 1996. It is further stated that the applicant filed an application before Compensation Commissioner, Allahabad for payment of interest on the compensation amount, but the same was dismissed. It is also stated that a letter dated 7.4.1997 was issued to the applicant mentioning therein that the amount of compensation was wrongly paid to him. It is further stated that another letter dated 7/23.10.98 was issued by the Commandant & MD 508 Army Base Workshop, Allahabad that the applicant was not entitled for any amount of compensation and directed the applicant to deposit the whole amount of Rs.73382/-. Lastly, it is stated that again letters dated 24.6.2002 and 26.6.2002 were issued to the applicant in which it was intimated that recovery of the amount of Rs.73382/- will be made from the pay and allowances of the applicant. The applicant filed his reply to the respondent no.3, who passed arbitrary orders on making recovery of the above mentioned amount. It is claimed that in pursuance of the above mentioned orders, recovery has been going on from the month of August 2002. It is also claimed that the applicant has filed an appeal on 9.9.2002 before the respondent no.2 against the said order of the respondent no.3, which is still pending before him. Aggrieved by this, the applicant has filed the present O.A.

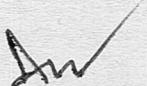
3. I have heard the learned counsel for the parties and have also perused the pleadings on record.

4. The learned counsel for the parties have no objection if the appeal is decided in a time bound manner.

*Am*

5. In view of the aforesaid, I am of the opinion that it will be in the interest of justice if the appeal of the applicant is decided expeditiously. The respondent no.2 is accordingly directed to decide the pending appeal of the applicant dated 9.9.2002 by a reasoned and speaking order within a period of 45 days from the date of communication of this order.

6. The O.A. stands disposed of as above without any order as to costs.

  
MEMBER (J)

GIRISH/-