

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 472/93

Ex. No.

DATE OF DECISION 15/9/1993

Gitaben S. Thakur

Petitioner

Mr. P. H. Pathak

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Mr. Akil Kureshi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. B. Patel

: Vice Chairman

The Hon'ble Mr. V. Radhakrishnani

: Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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No

Gitaben S.Thakur,
Jivanvihar Society,
Maninagar East,
Ahmedabad.

: Applicant

(Advocate: Mr.P.H.Pathak)

Versus

1. Union of India
(Notice to be served through
Chief General Manager,
Telecom, Gujarat Circle,
Khanpur, Ahmedabad.
2. Accounts Officer (EA West)
Telephones,
Sabena Apartments,
Opp.M.J.Library, Ellisbridge,
Ahmedabad-6.

: Respondents

(Advocate: Mr.Akil Kureshi)

ORAL JUDGMENT

IN

O.A.NO.472/93

Dt:15/9/1993

Per: Hon'ble Mr.N.B.Patel

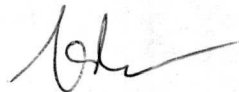
: Vice Chairman


Reply filed by Mr.Kureshi be taken on record.

2. After discussion at the bar, the respondents are directed to hold and complete an inquiry into the question of payability of HRA to the applicant, by the end of October, 1993. The applicant shall render all cooperation in the matter of early conclusion of such inquiry. The respondents are directed not to effect any deduction from the salary of the applicant on account of HRA and to continue to pay the same to the applicant till the conclusion of the inquiry ^{on} ~~on~~ an undertaking being given by the applicant to the department, in writing, that if, ultimately, it is found that HRA was not payable to her, the department will be free to

effect recovery of such HRA, as might have been paid to the applicant, from the salary of the applicant. The respondents are also directed not to effect recovery on account of past payment of HRA to the applicant till the conclusion of the inquiry. It is made clear that if the applicant does not cooperate with the department in the matter of early conclusion of the inquiry, it will be open to the department to move this Tribunal for vacating the direction requiring them to continue to pay HRA to the applicant till the conclusion of the inquiry. In view of these directions, Mr. Pathak seeks permission to withdraw the application. Permission granted. It is made clear that if the applicant feels aggrieved by the decision of the department, it will be open to her to approach this Tribunal afresh for the redressal of her grievance. If the decision taken by the department is adverse to the applicant, it may not be implemented for a period of one week from the date of its communication to the applicant.

3. Application stands disposed of accordingly. No order as to costs.




(V. Radhakrishnan)
Member (A)


(N. B. Patel)
Vice Chairman

M.A. 626/93 in O.A. 472/93

Date	Office Report	Order
10-11-1993	<p><i>As Mr. Kureshi waives service, notice is withdrawn.</i></p> <p><i>[Signature]</i> 11/11</p>	<p>Notice on M.A. returnable on 23-11-1993.</p> <p>Mr. Kureshi waives service and is given a copy of the M.A. by Mr. Pathak.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>*AS</p>
23/11/93	<p><i>Reply not filed.</i></p> <p><i>[Signature]</i> 6/12/93</p>	<p>None present for the parties. No reply has been filed by the respondents to M.A. Adjourned to 7/12/1993.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p>a.a.b.</p>

MA 626/93 in OA 472/93

Date	Office Report	Order
24-11-1993	<p>At the request of Mr. Pathak and with the consent of Mr. Kureshi preponed to 25-11-1993 .</p> <p> (V. Radhakrishnan) Member (A)</p> <p>*AS.</p>	<p> (N.B. Patel) Vice Chairman.</p>

M.A. 626/93 in O.A. 472/93

Date	Office Report	Order
25-11-1993		<p>This M.A. does not survive as stated by Shri Pathak as the applicant has already filed a substantive application being O.A. 680/93. M.A. No. 626/93, therefore, stands disposed of as not surviving. No order as to costs.</p> <p><i>LSK</i></p> <p>(V. Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman.</p> <p>*AS.</p>
7/12/93		<p>By order dated 25.11.1993, M.A.626/93 is already disposed of.</p>
		<p><i>ib</i></p> <p>(K. Ramamoorthy) Under Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>a.a.b.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD.

Application No. OA/672/93 of 199

Transrer Application No. — Old writ Pet. No.

C E R T I F I C A T E

Certified that no further action is required to be taken
and the case is ift for consignment to the Record Room (Decided).

Dated : 07/10/93

Countersigned :

CBhager 10.11.93
Section Officer/Court Officer

mm
Sign. of the Dealing Assistant.

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OF 19

Kritaben S. Thakur

VERSUS

4-0.2. 800

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