

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 331 of 1988.

Date of decision : January 20, 1989.

Nanda Kumar Mishra, son of
Shri Chandra Bhanu Mishra, aged about
42 years, Headmaster, M.E. School subsequently
designated as Trained Graduate Teacher,
Kalimela High School, At/P.O. Kalimela,
District-Koraput, Orissa. ...

Applicant.

Versus

1. Union of India, through the Secretary,
Ministry of Home Affairs, Rehabilitation
Wing, Jaisalmer House, Mansingh Road,
New Delhi.
2. Chief Administrator,
Dandakaranya Development Authority,
Koraput, At/P.O. and District-Koraput,
Orissa. ...

Respondents.

For the applicant ... M/s.B.Pal,
O.N.Ghosh,
S.C.Parija, Advocates.

For the respondents ... Mr.A.B.Mishra, Sr. Standing Counsel
(Central)

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

K.P. ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, it is prayed by the applicant to direct the respondents to accept the claim statement filed by the applicant and implement the judgment passed in Transferred Application No. 11 of 1987.

2. Shortly stated, the case of the applicant is that he was a trained Graduate serving under the Dandakaranya Development Authority and he claimed a pay scale of Rs. 550-900/- by virtue of his services rendered as Headmaster of M.E. School. This formed subject matter of Transferred Application No. 11 of 1987. Annexure R-1 is the judgment. In the said judgment we stated as follows :

" The petitioners may file their claim before the appropriate authority for the period they worked as such and the amount due to them which would be calculated by the Office of the Chief Administrator should be paid to each of the petitioners within four months from the date of receipt of a copy of the judgment provided that the petitioners file their claim within one month from today. "

The money said to have accrued in favour of the applicant not having been paid to him within the stipulated period, the applicant files this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the applicant not having carried out the directions contained in the judgment for filing the claim within one month from the date of judgment and not even till today as submitted by learned Sr. S.C. (Central) the authorities had no obligation to make payment. Hence, it is maintained that

the respondents that the application be dismissed with costs

4. We have heard Mr.B.Pal, learned counsel for the applicant and Mr.A.B.Mishra, learned Senior Standing Counsel (Central) at some length. It is submitted by Mr.Pal that the applicant had filed his claim within due time. Such claim having been misplaced in the Office of the Chief Administrator, Dandakaranya Development Authority, it is being worked out against the applicant for no fault of the applicant. This was seriously refuted by Mr.A.B.Mishra learned Sr.Standing Counsel (Central). We do not want to enter into a roaving enquiry as to the truth or of those disputed facts. otherwise, We direct that a fresh claim be filed by the applicant within one month from today before the competent authority and in token thereof a receipt should be obtained by the applicant and accordingly, on receipt of the claim from the applicant, the office of the Chief Administrator, should calculate the amount to which the applicant is entitled and it should be paid to him within three months from the date of filing of the claim.

5. Mr.Pal invited our attention to Annexure-A/2 from which it is found that the applicant has been redeployed in the Office of the Assistant Salt Commissioner attached to the Office of the Salt Commissioner, Post Box No.139, Jaipur (Rajasthan) as an assistant. Mr.Pal prays leave of this Court to permit the applicant to join within one month from today. We direct that the post be kept vacant

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and the applicant should join the said post within one month from today. Copy of this judgment be sent to the Assistant Salt Commissioner, Office of the Salt Commissioner, 17th Shivaji Marg, Swami Ramsingh Road, Jaipur-302004 for his information and compliance.

6. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

Agreed
20.1.89
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.



Agreed
20.1.89
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
January 20, 1989/S. Sarangi.