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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO. 557 OF 1995

Cuttack this the 16th day of August, 1996

SHRI K. RAM MOHAN

...

APPLICANT

-Versus-


UNION OF INDIA & OTHERS.

...

RESPONDENTS.

( FOR INSTRUCTIONS )

1. Whether it be referred to the reporters or not? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? NO

  
( N. SAHU )  
MEMBER (ADMINISTRATIVE)

7

(X)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO. 557 OF 1995.

Cuttack, this the 16th day of August, 1996.

CORAM:

THE HONOURABLE MR. N. SAHU, MEMBER (ADMINISTRATIVE)

...

SHRI K. RAM MOHAN, aged about 40 years,  
Son of K. S. Rao of 65-1-95 Srinibashan  
Nagar, Sriharipuram, Vishakhapatnam, at  
present Technical Officer, T.5 (Field),  
Central Horticulture Experiment Station,  
B-79, Phase-I, RHS Colony, Chandrasekharapur,  
Bhubaneswar-751 016, District-Khurda.

... APPLICANT

By the Applicant :- M/s. P.K. Rath, M. Dash, Advocates.

Versus-

1. Union of India represented by  
Director General, Indian Council  
of Agricultural Research, Krishi  
Bhawan, New Delhi-110 001.
2. Director, Indian Institute of  
Horticultural Research, Hessarghatta,  
Lake Post, Bangalore-560 089.
3. Principal Scientist and Head,  
Central Horticultural Experiment,  
Station, Indian Institute of  
Horticultural Research (ICAR),  
B, 79, R.H.S. Colony, Phase-I,  
Chandrasekharapur, Bhubaneswar-751 016,  
District-Khurda.

... RESPONDENTS.

By the Respondents : Mr. Akhaya Kumar Mishra, Additional  
Standing Counsel (Central).

8

8

PRONOUNCED IN THE OPEN COURT.

O R D E R

MR. N. SAHU, MEMBER (ADMN.); Heard Shri P.K. Rath, learned Counsel for the Applicant and Shri Akhaya Kumar Mishra, learned Additional Standing Counsel (Central) for the Respondents.

2. In this application, the following are the reliefs claimed by the applicant:

- a) For necessary and appropriate direction/ directions, order/orders to respondent Nos. 2 & 3 to disburse the salary of the petitioner from May 1995 till today and allow the applicant to perform his normal duty till the receipt of the necessary orders as per the direction of the Deputy Director General (Hort.) vide Annexure A/2 to this application by Respondent No.2;
  - b) For necessary and appropriate direction/ orders to respondent No.2 and 3 for payment of the G.P.F. advance ( Medical Advance) applied by the petitioner in the 2nd week of March for the treatment of the son of the applicant;
- [Handwritten signature]*

- c) For a direction to Respondent Nos.2 and 3 for payment of the Medical bill of the applicant which has already been sanctioned;
- And
- d) Any other direction/order(s) as the Hon'ble Tribunal deems fit and proper;

It is now clarified in the Bar by Shri P.K. Rath, learned Counsel for the applicant that the Medical Bill and the G.P.F. advance were paid to him on 21-10-1995. A sum of Rs. 18,000/- towards G.P.F. and Rs. 1,975/- towards Medical Bill were paid. The only ground remaining for consideration is for disbursement of salary to the Petitioner from May 1995 and to allow him to perform his normal duties till the receipt of the necessary orders as per the orders of D.D.G. vide Annexure-A/2 to this Application.

3. This application was filed on 19th September, 1995. The applicant refers to the order of this Bench in O.A. No. 304 of 1995 dated 16-6-1995 which runs thus;

" It is directed that the officer may not be compelled to hand over the charge, or be relieved of his duties, in his present office, i.e. Central Horticultural Experiment Station Chandrasekharpur, Bhubaneswar until action is completed on the said DO communication from the DDG ( Horticulture) and that the applicant shall abide by any decision that may be communicated to him by the Director."

Learned Additional Standing Counsel (Central) Shri Akhaya

Kumar Mishra has brought to my notice the order of the Director dated 1-8-1995 in which the applicant's representations dated 2-2-1995, 20-2-1995 and 3-5-1995 were considered and disposed of by the Director, I.C.A.R., Bangalore which is annexed as Annexure-R/1 to the Counter Affidavit. Learned Counsel for the applicant states that there was another representation dated 18-5-1995 which was not mentioned in the aforementioned communication Annexure-R/1 dated 1-8-1995. The representation dated 18-5-95 refers also to the previous representation dated 2-2-1995. The grievances in the representation dated 2-2-1995 were expressly dealt with in the Director's order. This representation dated 18-5-95 makes a grievance of non-payment of GPF advance and Medical Bill and the allegation of 'illegal relief'. As mentioned above, these claims stood settled.

4. I am satisfied that Annexure-R/1 dated 1-8-95 disposes of all the representations of the applicant. After hearing both the counsels, I am also satisfied that in terms of the order of this Bench dated 16-6-1995, Annexure-R/1 is binding on the applicant. His salary for the period from May, 1995 to 31st July, 1995 shall be paid to him in view of the orders of this Court dated 16-6-1995 within a period of two months from the date of receipt of a copy of this order. Obviously consistent with the order of this

Bench dated 16-6-1995, he can not be allowed to perform his normal duties' after 1-8-1995 at Chandrasekharpur, Bhubaneswar and the claim of salary for the period from 1-8-1995 will be considered by the Director, Respondent No.2, in accordance with law. The applicant shall represent to the Director, IIHR, Respondent No.2 in this behalf.

5. The learned counsel for the applicant has brought to my notice the orders of this Court passed in M.A. No. 537 of 1995 arising out of O.A. No. 304 of 1995. This order is dated 9-8-95. The order of this Court is as under:

"The applicant makes a positive statement that the representation addressed to Respondent 2 has not yet been disposed of, as directed on 16-6-95. Shri Akhaya Kumar Mishra, learned Additional Standing Counsel has no instructions in the matter. The move of the applicant shall, therefore, be deferred and not given effect to until counter is filed and the matter is heard. The order dated 16-6-95 is modified to that extent. Copy of the order may be given to learned Counsel for both parties."

On the date this Court passed these orders, the Court was not aware of the order passed by the Director dated 1-8-95. To be fair to the petitioner, probably he also did not actually receive a copy of the order. In view of the fact that the representation is disposed of on 1-8-95, this order dated 9-8-95 loses its significance and the earlier order dated 16-6-95 stands. There is, therefore, no need to modify

the order dated 16-6-95. The order dated 9-3-95 shall be read to have merged in the order dated 16-6-95.

6. The application is disposed of. There would be no order as to costs.

  
( N. SAHU )  
MEMBER (ADMINISTRATIVE)

KN Mohanty.