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O.A.No. 111 of 2010  
Niranjan Nayak                      .... Applicant  
Versus  
Union of India & Others              .... Respondents  
.....

Order dated: 16<sup>th</sup> March, 2010.

C O R A M  
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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The Applicant seeking direction to the Respondents for payment of the House Rent & Conveyance Allowances for the period from 12.09.2006 to 19.06.2009 has, earlier, approached this Tribunal in Original Application No.276 of 2008. After considering all aspects of the matter, this Bench of the Tribunal, in order dated 21<sup>st</sup> October, 2009 disposed of the matter directing as under:

“In view of the above, without expressing any opinion on the merit of the matter, this Original Application is disposed of with liberty to the applicant to make a detailed representation incorporating the documents relied on in his rejoinder to the Respondent No.2 within a period of seven days hence. On receipt of such representation, the Respondent No.2 is hereby directed to consider and dispose of the same with a reasoned and speaking order and communicate the result thereof to the Applicant within a period of 60 days. No costs.”

2.            Thereafter, the Applicant sought review of the aforesaid order in RA No. 16 of 2009. In order dated 07.12.2009, the said RA was also dismissed by this Tribunal; after through representation under Annexure-A/8 dated 21.12.2009 he has not only tried to justify his claim for House Rent & Conveyance Allowances for the period from 12.09.2006 to 19.06.2009 on various documents but also on the basis of a decision dated 21.10.2009 rendered by this Tribunal in OA No. 463 of 2008. The Respondent No.2 communicated the result of the consideration of the representation of the applicant in rejecting his claim vide order under Annexure-A/9 dated 11<sup>th</sup> February, 2010. This order under Annexure-A/9 dated 11<sup>th</sup> February, 2010 is


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under challenge in this second round of litigation filed by the applicant under section 19 of the A.T. Act, 1985 seeking to quash this order under Annexure-A/9 and to direct the Respondents to make payment of his House Rent & Conveyance Allowances for the period from 12.09.2006 to 19.06.2009 which was, according to him, illegally withheld by the Respondents.

3. In the above circumstances, heard Mr. D.P.Dhalsamant, Learned Counsel appearing for the Applicant and the Learned Counsel appearing for the Respondents and perused the materials placed on record. By referring the materials placed in support of the pleading, Learned Counsel for the Applicant submitted that Respondent No.2 considered the representation, as directed by this Tribunal, in a closed mind and accordingly rejected the claim of the applicant without taking note of the materials placed by the applicant along with his representation especially the decision dated 21.10.2009 rendered by this Tribunal in OA No. 463 of 2008 and, as such the consideration given is no consideration. In the process as there has been injustice caused to the applicant in the decision making process, the order under Annexure-A/9 needs to be quashed. This was opposed by the Learned Counsel appearing for the Respondents.

4. Having heard the rival submissions of the parties perused the materials placed on record including the earlier orders of this Tribunal vis-à-vis the order under challenge. I find substantial force in the contention of the Learned Counsel for the Applicant as it is seen that all the points taken in the representation of the applicant have not been taken into consideration by the Respondent No.2 while giving consideration and rejecting the representation of the Applicant. As such, for the ends of justice and to avoid waste of time, it is deemed fit and proper to dispose of this Original Application at this admission stage by quashing the order under Annexure-A/9 with direction to



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Respondent No.2 to give a fresh consideration to the grievance of the Applicant and pass a reasoned order under initiation to the Applicant within a period of 30(thirty) days from the date of receipt of this order. Ordered accordingly.

5. Send copies of this order along with copies of the OA to the Respondent No.2 and free copies of this order be given to Learned Counsel for both sides.

  
Member (Admin.)