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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00145 of 2016
Cuttack, this the 17th day of March, 2016

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)**

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Dr. Murari Lal Bansal ,
aged about 56 years,
S/o. Manohar Lal Bansal,
Permanent Resident of 603-G1 Barkat Nagar
Near St. Joseph School Tonk Phatak Jaipur (Raj.)
Present address is 436 Nuassai Naya Palli, Bhubaneswar,
At present working as Sr. CMO (SAG) In-Charge Wellness Center Number-1,
CGHS Old AG Colony Bhubaneswar.

...Applicant

(Advocates: Mr. T.Rath)

VERSUS

Union of India Represented through its

1. Secretary,
Ministry of Health and family welfare,
Nirman Bhawan, New Delhi-110011.
2. Under Secretary to Government,
Government of India,
Ministry of Health and family welfare(CHS Division),
Nirman Bhawan, New Delhi-110108.
3. Director CGHS,
Director General of Health Services,
Ministry of Health and family welfare,
Government of India-Nirman Bhawan,
New Delhi- 110011.
4. Addl. Director, CGHS,
Government of India,
Ministry of Health and family welfare,
Old AG Colony, Unit IV, Bhubaneswar.

... Respondents

(Advocate: Mr. A. Pradhan)

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. T.Rath, Learned Counsel for the Applicant, and Mr. A.Pradhan, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The applicant, in this present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs:

“(i) To quash the order under Annexure-A/3, A/6, A/7 and A/9 and restrain the Respondents from making any reduction of the Transport Allowance presentably drawn by the applicant and further direct the respondents not to make any recovery from the pay of the applicant towards the so called excess amount, if any.

(ii) Pass any other order.....”

3. Mr. Rath, Ld Counsel for the applicant, submitted that similarly situated employees working under the jurisdiction of the CGHS (HQ) approached the Hon’ble Principal Bench of this Tribunal in O.A. No. 4016/2014 and the Hon’ble Tribunal has already stayed Annexure-A/3 and A/4. I have gone though the order dated 13.11.2014 passed by the CAT, Principal Bench in O.A. No. 4016/2014 (MA 3497/2014), which reads as under:

“In the meantime, it is informed that order relating to limited Transport Allowance contained in OM dated 10.09.2014 has been stayed in Identical matters before the Co-ordinate Bench of the Tribunal. Learned counsel for the applicant presses for the said similar stay order.

Since the Coordinate Bench of this Tribunal has already stayed the operation of the Letter No. A-27017/01/2014-CGHS-dated 19.08.2014 and OM No. 50-3/2014/C&A/CGHS/747-55 dated 10.09.2014 issued by the respondents in identical matters, we also direct in the interim to stay operation of the above letter and OM against the applicant in the instant case till the next date of hearing.”



4. Mr. Rath further submitted that although the applicant has opted for Voluntary Retirement on 12.01.2016 (three month notice period will expire on 11.04.2016) and ventilating his grievance he has made a representation before Respondent No. 3 vide Annexure-A/10 dated 29.02.2016 but till date no response has been communicated to the applicant on his aforesaid representation. Accordingly, without going into the merit of the matter, I dispose of this O.A. with direction to the Respondent No.3 to dispose of the representation, if the same is still pending, and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. I make it clear that if reduction of pay of the applicant has not been implemented as per order under Annexure-A/3, A/6, A/7 and A/9 then the same may not be given effect to till 01.08.2016. Since the counter has not been filed, if as on date the order of reduction of pay of the applicant has already been issued then no recovery shall be made from the applicant till 01.08.2016.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Rath, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which he undertakes to file the postal requisites by 18.03.2016.

7. Free copy of this order be made over to Mr. Deo, Ld. ACGSC, by tomorrow.


(A.K.PATNAIK)
MEMBER(Judl.)