

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 422 of 1996.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. PARITOSH DUTTA, JUDICIAL MEMBER.

P.V. KRISHNAN

VS.

UNION OF INDIA & ORS. (Defence)

For Applicant : Ms. B. Banerjee, Counsel.

For Respondents : None.

Heard on : 10.6.96 &
20.6.96.

Ordered on : 20.6.96.

O R D E R

B.C.Sarma, AM.

The applicant is a MT Driver functioning under the respondents and he was earlier posted at Port Blair. By an Order issued by the respondents on 25.7.94 he was transferred to Campbell Bay. Being aggrieved by the said transfer order, the applicant had filed an O.A. bearing numbered OA 15/A&N of 1995, which was disposed of by a Judgement dated 26.10.1995, whereby the application was dismissed. The applicant further filed an R.A. bearing numbered 4/A&N/95 arising out of the said O.A., which was again disposed by an Order dated 8.2.95, wherein it was observed to the fact that the Tribunal already considered the aspect of the case and observed that if the applicant has any grievance in this regard, proper course for him was to file another O.A. and review of the Judgement is, by no means, calls for redressal of such grievance. In view of the observation made by the Tribunal, the instant O.A. has been filed with the prayer for grant of pay and

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allowances to the applicant from August '94 onwards. The applicant also contends that he has filed a representation to the authorities concerned, a copy of which is annexed at page 31 to the application, but he has not received any reply. The applicant contends that he joined at Campbell Bay on 18th November, 1995; thereafter he had applied for leave for 12 days, which was sanctioned. But because of cyclonic weather, he could not return in time and arrived at Campbell Bay only on 27.11.1995 but he was not allowed to join there.

2. This matter was earlier listed for admission hearing at Port Blair and it was transferred, by Order dated 10.6.96, to Calcutta in view of the urgency. When the matter was moved there, none appeared for the respondents. However, we observe that the copy of the application has been duly served on the respondents. Today, when the matter was taken up for admission hearing at Calcutta, none appears for the respondents as well. Since the matter is urgent, we think ^{basis of} it appropriate to dispose of the application on the available records without waiting for the reply from the respondents.

3. We have heard the submission made by the learned Counsel for the applicant and perused the record. We find that earlier the applicant had challenged the transfer order from Port Blair to Campbell Bay ^{in that O.A} but he was not successful therein. However, the applicant joined at Campbell Bay and, thereafter, another problem he had faced. Since he could not return because of cyclonic weather, in time to his new place of posting, this must not mean that the applicant should go without any salary and allowances. We are, therefore, of the view that an appropriate order to be passed in this case to issue a direction on the respondents in the matter.

4. In view of the above, the application is disposed of at the stage of admission itself with the direction that the respon-



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2-dents shall treat the instant application as a representation and shall dispose it of within a period of 2 months from the date of communication of this Order as per rules and the result of such disposal shall also be ^{intimated} informed to the applicant within a period of 15 days thereafter. We give liberty to the applicant to approach this Tribunal in case he feels aggrieved by the decision taken by the respondents in this regard. We would like to observe that the disposal of the application on the above direction will not be a bar if the authorities want to take action against the applicant for any act of omission or commission as per law. We further direct the respondents to make payment to the applicant his current salary provided he is on duty at present. We pass no order as to costs.

Paribhakt Dutta

(P. Dutta)
Member (J)
20.6.96.



B.C. Sarma)
Member (A)
20.6.96.

P/K/C.