

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO: 134/2003

DATE OF ORDER: July 3, 2003

Jeewn Singh s/o Shri Jagnath Singh Bhati, aged about 46 years, resident of Village & Post Bhadrajen, Tehsil Ahore, District Jalore.

Official Address : Fitter General Mechanic (S.K.) M.E.s. No. 169312.

...Applicant

V E R S U S

1. Union of India, through the Secretary, Ministry of Defense, Secretariat, New Delhi.
2. C.D.A. (Southern Command) Pune 411 001
3. Area Accounts Officer (S.C.), Vhattpura Road, Jaipur 302 012
4. Garrison Engineer (Army) No. 1, Multan Lines, Jodhpur
5. A.G.E.E/M-II, Army, Jodhpur

...Respondents.

Mr. Ghanshyam Vaishnav, counsel for the applicant.

CORAM:

**HON'BLE MR. R.K. UPADHYAYA, ADMINISTRATIVE MEMBER
HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER**

(O R D E R (Oral))

BY THE COURT:

1. Heard Shri Ghanshyam Vaishnav, learned counsel for the applicant.

2. It is stated by the learned counsel for the applicant that the applicant was working as Fitter General Mechanic (S.K.) with the respondents and resigned from service w.e.f. 28.07.1998. In view of the fact that certain retiral dues like payment of leave encashment, provident fund etc. was not paid in time, the

Ch. Bhagat Singh

applicant had filed O.A. No. 287/2000 which was disposed of by an order dated 25.09.2002. In that O.A., this Tribunal had passed the following order:

"The O.A. is dismissed as having become infructuous. The applicant is, however, given liberty to take-up his case of arrears of salary and gratuity etc. with the respondents within one month and the respondents are directed to dispose of the representation made by the applicant in this regard within a period of three months from the date of receipt of such representation. No order as to cost."

3. The learned counsel for the applicant states that the order of the Tribunal was received by the applicant on 29th September, 2002. He made a representation on 24.10.2002 (Annexure A/24) and sent the same by Registered Post on the same date, i.e., 24.10.2002. On these facts, the learned counsel for the applicant states that the decision as per the letter dated 28 January 2003 (Annexure A/27) is apparently wrong. The respondents in their letter dated 28 January 2003 have stated as follows:

"1. This is to inform you that as per Judgement dated 25 Sep 02, you were required to submit your case of arrears of salary and gratuity etc within one month. This office has not been received any claim what so ever from your side within the above stipulated period of one month.

2. In view of the above, the court case OA No 287/2000 filed by you is hereby closed."

4. The learned counsel for the applicant alleges that in spite of the representations by the applicant, he is being denied the dues which are otherwise due to him. Therefore, it was urged that the order of the respondents for non-consideration of the just claims of the applicant be quashed and respondents be



Chintamani

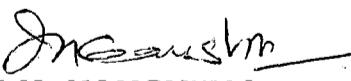
directed to make the payments which are due to the applicant forthwith alongwith the interest as permissible under the rules.

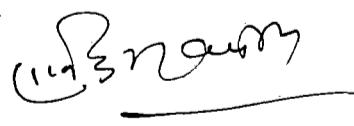
5. We have heard the learned counsel for the applicant and have perused the records. We are satisfied that the applicant has taken steps in pursuance of the directions of this Tribunal vide order dated 25.09.2002 in O.A. No. 287/2000 (Annexure A/23). Hence, the respondents are not justified in not considering the applicant's claim ^{ad} on merits.

6. In this view of the matter, the decision as communicated by letter dated 28 January 2003 is set aside and the respondents are directed to decide the representation dated 24.10.2002 filed by the applicant (Annexure A/24) on merits. The present O.A. filed by the applicant should be treated as additional representation. The respondent No. 4 Garrison Engineer (Army) No. 1, Multan Lines, Jodhpur is directed to pass a speaking order on the representation of the applicant within a period of one month from the date of receipt of a copy of this order.

7. In view of the directions in the preceding paragraphs, this O.A. is disposed of at the admission stage.

8. The Dy. Registrar of this Tribunal is directed to send a copy of this Order alongwith a copy of this O.A. No. 134/2003 to the respondent No. 4 immediately under intimation to the applicant.


(J.K. KAUSHIK)
JUDICIAL MEMBER


(R.K. UPADHYAYA)
ADM. MEMBER

order
filed in Record on 10/7/03
M. A. S.
4/7/03

Copy of order dt 3/8/03 passed in
on 10/13/03 along with copy of O.P.
& its Annex page No. 1 to 68 and
sent to R1 to R5 Video 139
to 143

dated 10-7-03

Copy received
on 10-7-03
Information received
and responded to
10-7-03

Part II and III destroyed
in my presence on 23.3.2009
under the supervision of
section officer () as per
order dated 13.2.2009

Section officer (Record)

Done AD
By Record
Am 28/10/09