

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

ORDER SHEET

Notes of the registry	Orders of the Tribunal
	<p>O.A. No. 290/00442/15 (Navab Ali vs UOI & Ors) Date of Order : 04/11/2015</p> <p>Mr J.K. Mishra, Counsel for Applicant.</p> <p>The OA is filed seeking direction, directing the respondents to treat the period from September, 2013 to December, 2014 as spent on duty for all purposes in respect of the applicant.</p> <p>2. Today the matter has been taken up for consideration for admission. Annex. A/3 filed by the applicant is the copy of the judgment of the Hon'ble High Court dated 12.12.2014 passed in DBCWP No. 5892/2014 (Navab Ali vs UOI & Ors). The Hon'ble High Court vide order dated 12.12.2014 (Annex. A/3) dismissed the aforesaid writ petition filed by the applicant with observations that in case the petitioner joins at his new place of posting at Shergarh within a period of one week and gives a reminder to the competent authority to decide his representation with proof of joining, the representation will be decided within a period of next two weeks. It is further observed that if the petitioner does not join at Shergarh, the representation will be rejected without adverting to the merits of his case. It has been submitted by the applicant that he joined at Shergarh on 26.12.2014 and submitted the reminder to his representation as per directions of the Hon'ble High Court. The applicant has filed OA No. 110/2015 before this Tribunal challenging the rejection of his representation and is pending.</p> <p>3. The applicant submitted a representation on 05.02.2015 to respondent No. 2 for disbursing his salary from September 2013 to December, 2014. Subsequently, the applicant served a notice for demand of justice dated 4/5.05.2015 (Annex. A/5) through his counsel.</p> <p>the applicant the period during which the stay was</p>

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and to pay him due pay & allowances. The applicant has submitted that he is eligible for due salary & allowances for the period from September 2013 to December, 2014

4. Since the representation dated 05.02.2015 (Annex. A/4) submitted by the applicant to respondent No. 2 is pending consideration, this Tribunal is not inclined to examine the contentions of the applicant on merit. At this stage, this Tribunal can only grant the relief of directing the respondent No. 2 to consider the representation Annex. A/4 filed by the applicant and pass an appropriate order.

5. Therefore, the OA is disposed of directing the respondent No. 2 i.e. Divisional Personnel Officer, NWR, Bikaner Division, Bikaner to consider representation of the applicant i.e. Annex. A/4 dated 05.02.2015 and pass an appropriate reasoned speaking order on same, within a period of 3 months from date of receipt of copy of this order. The applicant shall furnish a copy of this order alongwith OA and its annexure, to respondent No. 2, within a period of 15 days from today.

6. In view of above limited direction, the requirement of issue of notices to the respondents is dispensed with and OA is disposed of at admission stage with no order as to costs.


[Justice Harun-Ul-Rashid]
Judicial Member