

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.253/2001.

Thursday, this the 29th day of March, 2001.

CORAM:

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Dr. Thankamony Devi,
W/o P.Sankara Narayanan,
37, Tagore Gardens,
Medical College P.O.,
Thiruvananthapuram-11. Applicant

(By Advocate Shri Pirappancode V.Sreedharan Nair)

VS.

1. Union of India, represented by Secretary, Ministry of External Affairs, (BSM Division), South Block, New Delhi.
2. The Secretary, Ministry of Health & Family Welfare, Department of Health, Nirman Bhavan, New Delhi.
3. State of Kerala, represented by its Secretary, Secretariat, Thiruvananthapuram.
4. Attaché (Admn.), High Commission of India, Male, Republic of Maldives. Respondents
(By Advocate Shri T.A. Unnikrishnan ACGSC(R.1,2 & 4)
(By Advocate Shri C:A. Joy. G.P. (R-3)

The application having been heard on 29.3.2001, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant after retirement from service under the 3rd respondent on 31.12.93, was by order dated 15.4.94 (A-1) of the first respondent, deputed to work in Indira Gandhi Memorial Hospital (IGMH for short) , Male, Maldives as Senior Consultant

(Paediatrics) under the 'Aid of Maldives Programme' of the Ministry of External Affairs under the terms and conditions stipulated therein. She completed the tenure on 17.5.98. She was informed that the first respondent has decided to pay her the arrears of pay consequent on the revision of pay as also the leave encashment by A-2 order dated 28.2.2000 of the 4th respondent and was asked to submit certain certificates which she complied with. However, finding that she did not get the arrears of pay and allowances as also the cash equivalent of the earned leave, the applicant made representations, the last of which was made on 15.1.2001(A-7). Finding that despite all these she is not getting the dues, the applicant has filed this application for a direction to the respondents 1 and 2 to grant her the encashment of earned leave and admissible arrears of pay and allowances consequent upon refixation of pay under CCS(Revised Pay) Rules, 1997 calculated on the basis of revised scale of pay of Rs.18,400-500-22,400 forthwith and as alternative to direct the Ist respondent to dispose of A-7 representation.

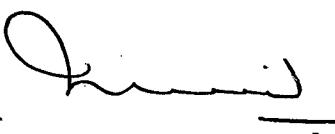
2. Notice was taken on behalf of R.1,2 and 4 by Shri T.A.Unnikrishnan, ACGSC and Shri Joy for the 3rd respondent. No statement has so far been filed by the counsel for the respondents. Since the applicant has sought an alternative relief of disposal of representation A-7 in a time frame, we are of the considered view that the application can now be disposed of directing that the applicant's representation be

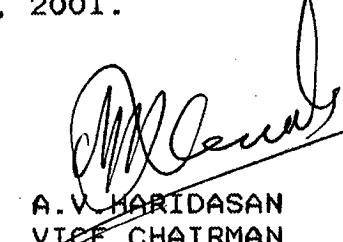
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disposed according to law and giving liberty to the applicant to seek appropriate relief, if the applicant feels aggrieved on the outcome of the representation.

3. In the result, the application is disposed of directing the 2nd respondent to consider A-7 representation in the light of the rules and instructions on the subject and to give the applicant an appropriate reply within a period of two months from the date of receipt of copy of this order. Should the applicant feel aggrieved on the outcome of the representation, she would be at liberty to seek appropriate relief, in accordance with law. No costs.

Dated the 29th March, 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

A-1: True copy of the order No.I/i/235/18/83 dated 15.4.94 of the 1st respondent.

Annexure A-2: True copy of the order No.MAL/681/1/97(ITEC) dated 28.2.2000 of the 4th respondent.

Annexure A-7: True copy of the representation dated 15.1.2001 submitted by the applicant before the 1st respondent.