

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.273/2001

Friday this the 15th day of November, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Dr.K.P.Hamza Koya
Senior Medical officer,
(Central Health Services)
Community Health Centre,
Ameni Island, Lakshadweep.Applicant

(By Advocate Mr.P.K.Muhammed Puzhakkara)

v.

1. The Government of India,
represented by the Secretary,
Health Department, New Delhi.
2. Director of Medical Services,
Directorate, Govt. of India,
New Delhi.
3. Under Secretary to Govt. of India,
Ministry of Finance,
Department of Expenditure,
New Delhi.
4. Administrator of Lakshadweep,
Kavarathi.Respondents

(By Advocates Mr.R.Prasanthkumar for R1 to 3
Mr.S.Radhakrishnan for R.4.

The application having been heard on 15.11.2002, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, Senior Medical Officer, Central
Health Services, Community Health Centre, Ameni Island
has filed this application for the following reliefs:

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- (a) call for the papers leading to Annexures.A1 and A2 and set aside Annexure.A1 and all further steps taken by the respondents against the applicant pursuant to Annexure.A1.
- (b) issue appropriate orders of prohibition and restraining the respondents from taking any recovery steps taken against the applicant for the realisation of the amount received by him towards SDA while working in the Islands.
- (c) declare that the applicant is entitled to SDA while working the North Eastern Region ont he basis of the orders issued by the respondents.
- (d) issue appropriate orders directing the respondents to continue the payment of SDA to the applicant who is working in the Lakshadweep Islands as per the orders of the respondents.
- (e) issue appropriate ordrs to direct the respondents to consider and pass appropriate orders in Annexure-A2 representation filed by the applicant.
- (f) grant such other reliefs this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case.

2. The 4th respondent has filed a reply resisting the claim of the applicant. The remaining respondents have not filed any reply statement.

3. When the application came up for hearing, learned counsel appearing for all the parties agree that the application may be disposed of directing the third respondent to consider the applicant's representation (A2) and to give him an appropriate reply within a reasonable time maintaining the interim order in force.

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4. In the light of the submission of the learned counsel on either side, we dispose of this application directing the third respondent to consider Annexure.A2 representation of the applicant and to give him an appropriate reply within a period of three months from the date of receipt of a copy of this order. We also direct that till an order on the representation Annexure.A2 is communicated on the applicant, no recovery be made from the pay and allowances of the applicant. Parties to suffer their costs.

Dated the 15th day of November, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

1. The Annexures not 2/3
Applicant's Annexures:

1. A-1: True copy of Office Memorandum No.115(2)/2000-E.II (B) dated 31.7.2000 issued by the 3rd respondent.
2. A-2: True copy of the representation submitted by the applicant before the respondent dated 5.1.2001.

Respondents' Annexures:

1. R-4a: A true copy of O.M.No.20022/2/88-E.II(B), dated 24.5.1989.
2. R-4b: A true copy of the O.M.No.11(2)/97-E.II(B) dated 22.7.98 issued by the Ministry of Finance.
3. R-4c: A true copy of O.M.No.11(3)/95-E.II (B) dated 12.1.96 issued by the Ministry of Finance.
4. R-4d: A true copy of the order dated 25.1.2000 in OA No.1140/2000 before the Hon'ble Central Administrative Tribunal, Ernakulam Bench.
5. R-4e: A true copy of order dated 21.11.2000 in OA No.1229/2000 before the Hon'ble Central Administrative Tribunal, Ernakulam Bench.

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25.11.02