

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

M.P. No. 3031/05 in O.A. 370/2005

THIS, THE 9th Day Of December, 2005.

HON'BLE SHRI S.P. ARYA MEMBER (A)
HON'BLE SHRI K.B.S. RAJAN MEMBER (J)

Ram Kripal Singh aged about 48 years son of Sri Ram Prayer resident of 4/228, Vivek Khand, Gomti Nagar, Lucknow (Posted as Upper Division Clerk in Passport Office, Government of India, Ministry of External Affairs, Nav Chetna Kendra, Ashok Marg, Hazratganj, Lucknow-226001.).

Applicant.

By Advocate: Sri R.C.Singh

VERSUS

1. Union of India through the Secretary, Ministry of External Affairs New Delhi-110001.
2. Joint Secretary (CPV) and Chief Passport Officer, Government of India, Ministry External Affairs (C.P.V. Division) Patiala House, Annexie, Tilak Marg, New Delhi.
3. Deputy Secretary(PV) Govt. of India, Ministry of External Affairs, (CPV Division), Patiala House Annexie, Tilak Marg, New Delhi.
4. Passport Officer, Government of India, Ministry of External Affairs, Nav Chetna Kendra, Ashok Marg, Hazratganj, Lucknow-226001.
5. Shri R.R.Dash, Joint Secretary (CPV) and Chief Passport Officer, Government of India, Ministry of External Affairs, (CPV Division), Patiala House Annexie, Tilak Marg, New Delhi.
6. Shri Ravi Shanker, Deputy Secretary (PV), Government of India, Ministry of External Affairs (CPV Division) Patiala House Annexie, Tilak Marg, New Delhi.
7. Shri Vinay Srivastava, Passport Officer, Government of India, Ministry of External Affairs, Nav Chetna Kendra, Ashok Marg, Hazratganj, Lucknow-226001.

Respondents.

By Advocate: Sri Sunil Sharma for Respondent No.1 to 4.

ORDER

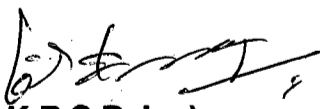
BY HON'BLE SHRI S.P. ARYA MEMBER(A)

Applicant by this M.A. seeks for issuance of appropriate directions to the respondents under Rule 24 of the CAT (Procedure) Rules, 1987 to give effect to the interim order dated 12.8.2005 and to pay salary to the applicant and to allow him to resume his duties at Passport Office, Lucknow.

2. We have heard the counsel for the parties and perused the records on file and also the clarificatory order dated 6.10.2005.

3. A preliminary objection was raised by the counsel for respondents that this M.A. cannot be heard separately. This M.A. should be annexed with the O.A. This being an application under Rule 24 of the CAT (Procedure) Rules, 1987, we are of the view that it is not necessary that it should be tagged with the Original Application itself. Accordingly objection of the respondents was not found sustainable.

4. Interim order dated 12.8.2005 provided that the impugned transfer order dated 25.7.2005 and the relieving order dated 27.7.2005 shall not be acted upon till further orders and in case the applicant stands already relieved, his joining the duties at Lucknow or paying him salary shall depend upon final outcome of the O.A. A clarification thereof issued on 6.10.2005 that the interim order was conditional implying that if the applicant has already been relieved, then he would not be allowed to join duties at Lucknow nor he would be entitled to payment of salary at Lucknow. Counsel for respondents stated that applicant has already been relieved. In view of the disputed question of fact that applicant being relieved or not relieved, we find it expedient and in the interest of justice that the O.A. should be decided expeditiously as mandated by Hon'ble High Court in Writ Petition No. 1667(SB)/2005. The O.A. has already been fixed for final hearing on 10.1.2006. Accordingly we decline from issuing any direction to the respondents on this application. Accordingly M.P. No. 3031/2005 stands disposed of.



K.B.S.Rajan)
Member (J)



(S.P.Arya)
Member(A)

"HLS"