

O.A.No. 575/2005
Dated 23/8/2006

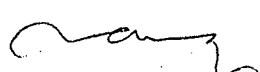
Hon'ble Mr. N.D. Dayal, Member (A)
Hon'ble Mr. M. Kanthaiah, Member (J)

App: Shri Praveen Kumar
Res: Shri S.K. Awasthi

Learned counsel for the applicant has filed M.A. No. 1849/2006 seeking an interim relief during the pendency of this O.A. for grant of certain sum of money from the arrears of pay and allowances due to him since he has been working as U.D.C. in Military Farm, Lucknow, but no payment has been made to him. It is submitted that the applicant requires money for urgent personal need. Earlier, this Tribunal had decided O.A. No. 106/2003 by order dated 2.6.2003. The matter was remanded back to the authorities for furnishing enquiry report to the applicant and allowing him an opportunity to make a representation against the findings of enquiry officer and thereafter to pass appropriate orders. The punishment order of compulsory retirement dated 30.12.2002 was quashed.

2. It has been pointed out by the learned counsel for the applicant that while disposing of the O.A. No. 786/2005 by the Coordinate Bench at Allahabad on 26.9.2005 a mention has been made that as per contention of the respondents, the applicant was still in service. The learned counsel for the respondents has submitted that he has no instruction as to what action was taken by the respondents following the orders passed by the Tribunal in the case of the applicant. Since the punishment order of compulsory retirement had been quashed, it was expected that the respondents would take a decision on his reinstatement/ suspension/ further continuance of the enquiry or not as well as with regard to pay and allowances, if any to be paid to him following such order of the Tribunal.

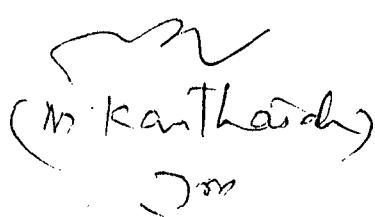
3. The learned counsel for the respondents has submitted that the prayer in this O.A. may be decided on merits once and for all. However, it is felt that now that nearly 3 years have passed since the Tribunal had passed its order in the O.A., in the interest of justice, the interim relief that has been sought needs consideration. Let the applicant make an application for advance from his Provident Fund which shall be sanctioned and paid by the competent authority within one month from the date of receipt of application. List for final hearing on 14.9.2006. Application for Interim relief is disposed of.


Member (J)

HLS/-


Member (A)

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14.9.06
30.10.06
NO SITTING OF DB LIST ON.....


(M. Kantharay)
Jm

of
copy prepared
25/8/06

O.R.
Copy of order dt.
23.8.06 recd. by
both Counsel in
Judgment Register
st. no. 366
25.8.06