

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 30/2006 in O.A.No. 370/2005

This the 18th day of July, 2008

Hon'ble Sri Justice Khem Karan, Vice Chairman

Hon'ble Dr. A.K. Mishra, Member (A)

Ram Kripal Singh aged about 49 years son of Sri Ram Pyare resident of 4/228, Vivek Khand, Gomti Nagar, Lucknow (posted as Upper Division Clerk in the Passport Office, Govt. 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, Govt. of India, Ministry of External Affairs, (CPV Division), Patiala House, Annexe, Tilak Marg, New Delhi.
3. Deputy Secretary (PV) Govt. of India, Ministry of External Affairs (CPV Division), Patiala House Annexe Tilak Marg, New Delhi.
4. Passport Officer, Govt. of India, Ministry of External Affairs, Nav Chetna Kendra, Ashok Marg, Hazratganj, Lucknow-226001.
5. Sri R.R. Dash, Joint Secretary (CPV) and Chief Passport Officer, Govt. of India, Ministry of External Affairs (CPV Division) Patiala House Annexe, Tilak Marg, New Delhi.
6. Shri Ravi Shanker, Deputy Secretary (PV) Govt. of India, Ministry of External Affairs, (CPV Division) Patiala House, Annexe, Tilak Marg, New Delhi.
7. Shri Vinay Srivastava, Passport Officer, Govt. of India, Ministry of External Affairs, Nav Chetna Kendra, Ashok Marg, Hazratganj, Lucknow -226001.

Respondents

By Advocate: Sri Sunil Sharma

ORDER (ORAL)

BY HON'BLE SHRI JUSTICE KHEM KARAN, VICE CHAIRMAN

We have heard the parties counsel on this review application.

2. Applicant Ram Kripal Singh had filed one O.A. No. 370/2005 praying for the following reliefs:-

- a) issuing/passing of an order or direction setting aside the impugned transfer order dated 25.7.2005, issued by Respondent No. 3 (contained in Annexure No.A-1 to the Original Application) and the impugned relieving order dated 27.7.2005 issued by the respondent No. 4 (as contained in Annexure No.2 to the Original Application), after summoning the original records.

b) issuing / passing of any other order or direction to the respondents to allow the applicant to resume duty in Passport Office, Lucknow discharging his duties and pay him salary regularly every month.

c) issuing /passing of any other order or direction to the respondents as this Hon'ble Tribunal considers appropriate in the circumstances of the case, including the cost of the present Original Application.


3. On 12.8.2005, this Tribunal passed an interim order as under:-

“Having therefore, considered the facts in the entirety and examining the rival submissions made on behalf of parties, who have also cited the case law in support thereof, I feel satisfied that there is a prima facie case for allowing interim relief as prayed till at least the respondents get full opportunity to counter the averments as made in the O.A. by the applicant. Hence allowing the prayer, it is provided by way of interim relief 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.”

4. After perusal of the pleadings and hearing the parties' counsel, the said O.A. was dismissed vide order dated 10.8.2006. Applicant has moved this review application under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, saying that the Tribunal committed apparent error by not deciding the question as to whether the applicant stood relieved prior to passing of the interim order dated 12.8.2005 and by not addressing the point that the transfer order is actuated by malice.

5. Sri R.C. Singh has submitted that once the Tribunal provided in its interim order dated 12.8.2005 that 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, the Tribunal ought to have dealt with point of relieving in its final order. He says that applicant had also prayed for payment of salary.

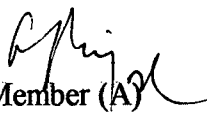
6. Sri Sunil Sharma has submits, the Tribunal was not required to enter into the questions as to whether the applicant stood relieved prior to 12.8.2005. He goes on to argue, payment of salary for the period after 12.8.2005, was not the issue in the O.A.. According to him, the applicant may seek redresal of his grievance regarding salary etc., by making representation to the authority concerned or by taking other legal action.

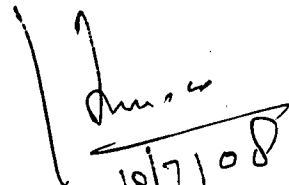


7. We have considered the respective submissions and have gone through the final order dated 10.8.2006 passed in O.A. No. 370/2005.

8. We are of the view that there are no good grounds for review. The question relating to the non-payment of salary for the period in question or the question as to whether the applicant stood relieved or not, were not to be decided by the Tribunal. It was concerned only with the question as to whether transfer order or relieving order, were just or were bad in law. It came to the conclusion that the transfer order and relieving order were not bad. In case the applicant has any grievance with regard to payment of salary for the intervening period, he is free to move the administrative authorities for orders and if he so advised, to file separate O.A.

The Review Petition is rejected.


Member (A)


Vice Chairman
18/7/08

HLS/-