

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. No. 120/2008

This, the 19th day of May, 2008.

Hon'ble Shri M. Kanthaiah, Member (J)
Hon'ble Sri Shailendra Pandey, Member (A)

Rama nand Rao, agd about 53 years S/o Sri Bipat r/o E.S-I-B/660. Fase II Sector A, Sitapur Road Scheme Jankipuram, Lucknow.

Applicant.

By Advocate: Shri A.P. Singh.

Versus

1. Union of India through the Secretary Department of Culture Shastri Bhawan, New Delhi.
2. Director, National Research Laboratory for Conservation of Cultural Property, E/3 Aliganj Scheme, Lucknow.
3. Project Office & Head of Office, National Research Laboratory for Conservation of Cultural Property, E/3 Aliganj scheme, Lucknow.
4. Dr. M. V. Nair, Director National research Labouratory for Conservation of Cultural Property, E/3 Aliganj scheme, Lucknow.
5. Dr. Shashi Dhawan, Project Officer & Head of Office, National Research Laboratory for Conservation of Cultural Property, E/3 Aliganj Scheme, Lucknow.
6. Project Officer, Regional Conservation Laboratory, GITBP Campus, Siddharthnagar, Mysore.

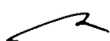
Respondents.

By Advocate: Shri K.K. Shukla for Dr. Neelam Shukla

ORDER

By Hon'ble Shri M. Kanthaiah, Member (J)

The applicant has filed the O.A. with a prayer to issue directions to the respondent No. 2 to release the salary of the applicant for the month of October, 2007 to March, 2008 and permit him to work at Lucknow on the post of Office Superintendent against the post of RCL Mysore.



2. The applicant has also sought interim relief by way of issue of direction to the 2nd respondents to release of his salary, arrears immediately in respect of his posting at Lucknow.
3. The respondents have filed preliminary objection for admission of the O.A. on the ground that the applicant had earlier filed O.A. No. 467 /2007 which was disposed of with detailed order. In view of similar relief having been sought in the earlier O.A., present O.A. is not at all maintainable. Thus they have opposed for admission of the O.A.
4. Heard both sides.
5. The point for consideration is whether the O.A. is maintainable or liable for rejection at admission stage.
6. The admitted facts of the case are that applicant while working on deputation in the Regional Museum of National History, Bhopal, was repatriated to his parent department i.e. Respondent No. 2 (National Research Laboratory for Conservation of Cultural Property, Lucknow) with effect from 28.9.2007 covered under Annexure A-6. In pursuance of the same, the applicant submitted his joining report to the respondent No. 2 covered under Annexure A-7 dated 22.10.2007 but the same was returned asking him to report directly to the Project Officer, Regional Conservation Laboratory GTTBP Campus, Siddharthanagar, Mysore (Respondent No. 6) on the same date covered under Annexure A-8. Against this rejection order, covered under Annexure A-8 dated 22.10.2007, the applicant has filed O.A. No. 467 of 2007, questioning the correctness of such rejection and after hearing both sides, the same was disposed of on 8th November, 2007 stating that the applicant has no grievance against his posting at Mysore, there is no real issue, for decision of this Tribunal. The Tribunal also made an observation that for all practical purposes, it has to be treated that he reported for joining to parent Department on 22.10.2007. Annexure-9 is the copy of judgment in O.A. No. 467/2007 dated 8.11.2007. Thereafter, the applicant also made representation to respondent No. 2 covered under Annexure A-15 dated 25.2.2008, complaining that his salary has not been paid from October,



2007 onwards and the said representation is still pending for consideration with respondent No.2.

7. Admittedly, the 2nd respondent is the parent Department of the applicant. In pursuance of the judgment covered under Annexure A-9 dated 8.11.2007, the applicant made his claim for his salary from October, 2007 onwards along with other claims in respect of GPF and TTA allowances etc. The relief covered under the earlier O.A. No. 467 of 2007 was in respect of rejection of the joining report of the applicant by respondent No. 2 whereas the present O.A. is in respect of his claim for payment of salary from October, 2007 onwards, based on the judgment covered under A-9 and as such, both claims are different, and further it is not open to the respondents to say that the claim in this O.A. has been decided by the Tribunal in the earlier OA No. 467/2007 covered under A-9 and the same is not at all correct and maintainable, thus there are no merits in the objections of the respondents. Hence objections are rejected and matter is **admitted.**

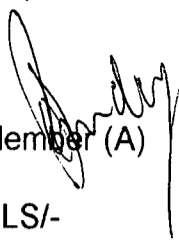
8. At this stage, learned counsel for the applicant represents that though he made claim for payment of salary from October, 2007 onwards but his representation covered under Annexure -15 is still pending with respondent No.2 and if a direction is issued to the authorities for disposal of his pending representation, the purpose of the O.A. would be served.

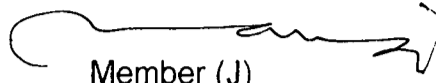
9. The respondents counsel opposed such claim of the applicant.

10. When the representation of the applicant covered under Annexure -15 dated 25.2.2008 in respect of his claim for payment of salary from October, 2007 onwards is still pending with respondent No.2, which is the parent Department of the applicant, passing of any orders in respect of such claim of the applicant is not at all maintainable at this stage and as such for the fair and just disposal of these proceedings and also to avoid multiplicity of the proceedings, OA. is disposed of with a direction to the respondent No. 2 to dispose of the pending representation of the applicant covered under A-15 dated 25.2.2008 with a reasoned order within a period of one month from the date of receipt of copy of this order. The applicant is also directed to supply

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copy of Annexure -15 dated 25.2.2008 along with copy of this judgment to
respondent No.2. No costs.


Member (A)
HLS/-


Member (J)
19.05.2008