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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

24-6-91

O.A. No. 156 of 91.

T.J. Nihalani

Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. K. Obayya, A.M.

(Hon. Mr. Justice K. Nath, V.C.)

In this application, the applicant has challenged his transfer from Lucknow to Rajkot for grounds stated in the application. An order was passed on 10.5.91 enabling the respondents to file counter by 24.5.91 with the observation that the respondents may trace out the possibility of posting the applicant at Lucknow on some other equivalent post. It was observed by this Tribunal that in case the order is so passed, the impugned order of transfer to Rajkot may have to be recalled or modified. After passing of this order on 10.5.91, the applicant applied for Transfer Travelling Allowance of Rs 15,250 on 17.5.91 for travelling from Lucknow to Rajkot alongwith his family. The advance was sanctioned on 20.5.91 and the applicant received the amount of advance on 27.5.91. In the CMP No. 332/91(L) it is stated that with the acceptance of the advance amount, the original application deserves to be dismissed.

2. Shri I.B. Singh appearing on behalf of applicant says that the applicant had received advance under some

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mistake and that the applicant is agreeable to refund the amount immediately. Shri A.K. Chaturvedi for the respondents says that the respondents have not yet been able to examine the matter of possibility of posting the applicant at Lucknow for which the respondents request and are allowed 6 weeks time. We dispose of CMP No. 332/91 with a direction that in case that the applicant refunds the entire amount of Rs 15,250.00 in cash to the respondents within 48 hours from today, the application shall stand rejected, but in case he does not deposit the amount the original application 156/91 shall stand dismissed. In case the amount is deposited the respondents shall comply with the interim order of 10.5.91. List on 5.8.91 for further orders. Copy of the order may be given to learned counsel for respondents within 24 hours.

Recd. copy
25/6/91
Shakeel/

24.6.91

A.M.

V.C.