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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 654 of 1992

Mohd. Ali Khan Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. S.N. Prasad, Member (Judicial)

The applicant has approached this tribunal under section 19 of the Administrative tribunals Act, 1985 with the prayer inter alia, ^{for} setting aside the impugned movement order dated 24.9.1992 contained in Annexure No. A-2 issued by the respondent ^{5/6} and for further suitable direction to the respondents to make payment of advance of T.A./D.A. to the applicant prior to issue of movement order in pursuance of the transfer order issued by the respondent No. 4 vide letter dated 12.9.1992 (Annexure No. A-1).

2. The main grievance of the applicant as appears to be that ⁱⁿ the previous O.A. No. 501/92 which was filed by this very applicant and which was decided by this tribunal as per judgement and order dated 30.9.1992 ^{there was a direction} to pay the T.A. advance to the applicant within a week ^{or} as early as possible on submission of application by the applicant to enable him to join the place of duty where he has been transferred, but the respondents did not accept the application of the applicant in this regard and the application of the applicant was refused in presence of Sri Shashi Singh Ravat, Leading Hand Fire and Sri Rama Shankar Watchman on 1.10.1992 and as such the same was despatched by the registered post (vide postal receipt No. 4811/11.10.1992 to the respondent no. 5 (Annexure A-4).

3. In the short counter-reply filed by the respondents it has, inter alia, been contended that the applicant did not turn up and after passing of the aforesaid judgement and

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order by this tribunal for signing the claim and collecting the T.A./D.A. advance and as such the demand draft/Bankers cheque of Rs. 4500/- has been prepared as T.A./D.A. advance as per entitlement of the applicant in anticipation that the applicant will sign the requisition for advance of T.A., D.A. for necessary payment to the applicant.

4. Today the learned counsel for the respondents Sri A.K. Chaturvedi has produced before this tribunal a requisition for advance of T.A./D.A. of Rs. 4500/- duly signed by Officer Commanding, Central Command Stationery Depot, Lucknow dated 7.10.1992 in duplicate and has also produced before this tribunal a crossed/Bankers Cheque in the name of (Sri M.A. Khan who is applicant in this case) for Rs. 4500/- from Officer Commanding Central Command Stationery Depot, Lucknow on account of T.A./D.A. on requisition for Advance of T.A/D.A..

5. I have heard the learned counsel for the parties and have thoroughly gone through the records of the case.

6. This is significant to point out that the perusal of the order and judgement dated 30.9.1992 passed by this tribunal in the aforesaid O.A. No. 501/92 (Mohd. Ali Khan Vs. Union of India and others) shows that the above judgement and order were passed by this tribunal on merit after hearing the learned counsel for the parties and after considering the entire material on record and the circumstances of the case.

7. This is also worth while making mention of this fact that the view points and grounds as set out in this present O.A. No. 654/92 appear to be almost re-iteration of those very grounds and very points as already set out in the above O.A. No. 501/92.

8. On careful perusal of the main contentions and

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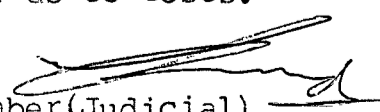
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view points, interalia, as set out in this application appear to be that according to the applicant he was not allowed to enter the premises of the Central Command Stationery Depot, Lucknow on 1.10.1992. It has been, inter-alia, contended by the respondents that after passing of the aforesaid Judgement and order dated 30.9.1992 passed by this tribunal in J.A.No. 501/92, as referred to above, the requisition for advance of T.A./D.A. was prepared on 7.10.1992 for making necessary payment to the applicant, but the applicant did not turn up for signing the same and as such as per letter dated 9.10.1992, the applicant was intimated at his 3 addresses (vide Annexure A-6 to the original application) for signing the claim and for collection of the said advance.

9. With a view to tide over all the eventualities in the future and to set the above contentions of the parties at rest the applicant has received the aforesaid Draft/Bankers Crossed cheque bearing No. BN/26.861608 dated 19.12.1992 for Rs. 4500/- before this tribunal and has signed the receipt to this effect by putting his signature and date i.e. 4.1.1993 and has also signed the above requisition for advance of T.A./D.A. which purports to have been prepared on 7.10.1992 and counter signed by Ordnance Officer Civilian Officer Commanding Central Command Stationery Depot Lucknow for the aforesaid amount of Rs. 4500/- which is in duplicate. Thus, the main grievance of the applicant regarding non-receipt of T.A./D.A. in pursuant to the order of this tribunal dated 30.9.92 passed ^{~ the above ~} in O.A. No. 501/92 stands redressed now.

10. The application of the applicant is disposed of with ^{the} above observations. No order as to costs.

Lucknow Dated: 4.1.1993
(RKA)


Member (Judicial)

4-1-93