

ON THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.

O.A. No. 20 of 1996

Ram Kishore Das, son of Late Bidhu Ram, Clerk  
No. 832317, Pay Accounts Office (C.R.S.), B.R.C.,  
Danapur. .... Applicant.

- Vrs. -

The Union of India & Ors. .... Respondents.

Counsel for the applicant : Shri N.K. Srivastava.

Counsel for the respondents : Shri G.K. Agarwal, ASC.

C O R A M

Hon'ble Mr. Justice B.N. Singh Neelam, Vice-Chairman,  
Hon'ble Mr. L.R.K. Prasad, Member (Administrative)

52/28.11.2002

O R D E R (Dictated in Court)

By Mr. Justice B.N. Singh Neelam, V.C. :-

The matter is called out. Both sides lawyers are present. This O.A. is so filed by Shri Ram Kishore Das seeking relief/reliefs as detailed in para 8 of this O.A. is detailed below :-

(a) That this Hon'ble Tribunal may direct the respondent no.1 to 3 to stop the payment of Rs.1000/- (Rs. One thousand only) to the respondent no.4, Uma Devi from the salary of the applicant.

(b) That the respondents no.1 to 3 may be directed to make payment of full salary of applicant to him.

2. On behalf of the applicant, the learned counsel for the applicant has submitted that as a matter of fact deduction of Rs.1000/- from the salary of the applicant was so made during the period from November 1993 to January 1996 and the said order was so passed by the department for giving maintenance to the Respondent no.4., Smt. Uma Devi, wife of the applicant.

The oral submission so made by the applicant that though the deduction from the salary of the applicant is stopped from February 1996 and a separate maintenance case is also pending so filed by the Respondent No. 4 before the competent court but for the recovery so made in between the period November 1993 to January 1996, a direction rather be given to the concerned respondents for the recovery of the same. Though admittedly, such specific prayer has not been made in the relief/reliefs so sought as detailed above.

3. On behalf of the official respondents, Shri G. K. Agarwal, 1d. ASC has submitted that since no specific prayer for recovery of payment of maintenance of Rs. 1000/- and the same has been stopped from February 1996, this application so filed has become infructuous and any order need not be passed in this regard.

4. After hearing the learned counsel for the parties, we have carefully gone through the relief/reliefs so sought for by the applicant. We also find that no specific relief has been sought while filing this O.A. for recovery of the amount so deducted out of the salary of the applicant paid to the Respondent No. 4 for the period November 1993 to January 1996, therefore no order in this regard is need to be passed. The applicant however, shall be at liberty as to file representation before the concerned respondents claiming recovery of the deduction for the period indicated above. The relief/reliefs as sought for by the applicant cannot be considered in this O.A. because it is out of pleadings. With the above observation and direction, this O.A. thus, stands disposed of. Parties to bear their own costs.

MRS.

( L.R.K. Presad )/M(A)

( B.N.Singh Neelam )/VC