

OA-400/96

1/6.9.96

Hon'ble Shri N.K.Verma, Member (A) has informed that he will not sit in the Court No.II today. Therefore, the case is adjourned to 9.9.96 for admission.

SKS

(V.N. Mehrotra)
Vice-Chairman

2/9.9.1996

Counsel for the applicant : Mr.J.K.Karn

Counsel for the respondents : Mr.J.N.Pandey

to show-cause
Issue notices to the respondents/as to why
the application be not admitted for hearing. The
written statement will be filed within a month. List
on 9th of October, 1996 for admission. The matter shall
be finally disposed of at the admission stage itself.

MPS.

(K. D. Saha)
Member (A)

(V.N. Mehrotra)
Vice-Chairman

3. / 10.10.96. Shri R.K. Choubey, the learned counsel for the applicant. Shri J.N. Pandey, the Sr. Standing Counsel, for the respondents.

Heard. The facts of the case is that the son of the applicant (Shri Hemant Kumar Karn) appeared in the preliminary examination, 96 conducted by the U.P.S.C. He has ~~been~~ qualified to appear in the Civil Services Main Examination to be held in November, 96. In terms of Govt. of India, Department of Post Letter No. 13-7/91-WL/Sports, dated 7.7.92, ~~that~~ financial assistance is granted to such children of postal employees who appears in the All India Competitive Examination conducted by the U.P.S.C. The amount of financial assistance which is Rs. 2000/- is granted on clearing the preliminary examination. The son of the applicant cleared the Civil Service Preliminary Examination 1996 conducted by the U.P.S.C. The applicant approached the respondents for sanction of financial assistance in terms of Govt. of India instructions referred to above. He was replied that his case will be considered when the ward will appear in all papers and a certificate to the effect is submitted to the respondents (Annexure A/1).

2. Aggrieved by this, the applicant has filed this application praying for issue of direction for immediate payment of incentive amount of Rs. 2000/- and also to award the exemplary cost in regard to filing ^{the} application.

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3. Written Statement has been filed by the respondents in which it is stated that the applicant's case was re-examined and incentive amount of Rs. 2000/- was granted on 13.9.96 and a cheque had been issued in favour of the applicant vide cheque No. E.490155 dated 1.10.96. A copy of the sanction order has been enclosed as Annexure R/1.

4. Shri R.K. Choubey, the learned counsel for the applicant submits that although incentive amount has been sanctioned ~~but~~ ^{also} the cost of the litigation should be awarded since the applicant was compelled to file this application due to refusal of the respondents to grant incentive amount initially.

5. Considering the averments on record and the submission of the learned counsel for the parties, I am not inclined to award cost in this case. The incentive amount has already been paid, the OA has become infructuous and it is accordingly dismissed.

No costs.

/CBS/


(K.D.Saha)

Member (A)