

Central Administrative Tribunal
Mumbai Bench

O.A.No.706/2001.

Dated this Monday the 22nd Day of October, 2001.

Hon'ble Shri Justice B.N. Singh Neelam, Vice Chairman.

M. Jayaraman,
residing at Quarter No.228/3257,
Sector 6, CGS Colony, Antop Hill,
Mumbai - 400 037.

... Applicant.

(By Advocate Shri Sai Kumar)

Versus

1. Union of India,
through the Secretary,
Ministry of Defence (Finance),
Government of India, South Block,
New Delhi - 110 011.
2. Controller General of Defence
Accounts, West Block,
5, R.K. Puram,
New Delhi - 110 066.
3. Controller of Defence Accounts
(Navy),
No.1 Cooperage Road,
Mumbai - 400 039.

.. Respondents.

ORDER (Oral)

Per : Justice B.N. Singh Neelam, Vice Chairman

Learned Counsel for the applicant ^{On hand filed} filing this
O.A. being aggrieved by the order dated 5.9.2000, a
copy of which is filed and marked as Annexure A-I, by
which Special Disability Leave is not granted to the
applicant. The relief/reliefs so sought for by the
applicant are detailed at para 3 of this application,
making a prayer for quashing the order dated 5.9.2000
which is under challenge and grant of entitlement to the


benefits of Special Disability Leave from 12.1.2000 to 30.6.2000 and from 10.2.2001 to 30.6.2001. It is also prayed that the respondents be directed to make full ^Gpay and allowances for the said period as per Rule 44 of the CCS (Leave) Rules, 1972. He has further prayed for restraining the respondents from in any manner recovering ^Gany and allowances paid to the applicant as a Special Disability Leave prior to the such cancellation so made subsequently which ^Gwas submitted ^{was} as arbitrary and unjustified. All other points so also taken as good grounds for admitting this O.A., ^Gare also pressed into service.

2. After hearing Learned Counsel for the applicant particularly looking into the contention of the applicant it transpires that one appeal so filed on ~~his~~ ^Gbehalf is still pending. Furthermore it ^Gwas also transpired ^Gthat one representation so filed by the applicant, a copy of which is filed and marked as Annexure A-16 which dated 20.5.2001 has not yet been decided in the hands of the concerned respondents.

3. In the background of the facts and circumstances discussed above, keeping in mind that appeal so preferred is pending and has not yet been ^{disposed of} ~~been~~ in the hands of competent authority and also the representation so filed dated 20.5.2001 has also not yet been disposed of in the hands of the concerned respondents, ^GIn my considered opinion ^Gin such circumstances ^Gwill ^{can be} said to be premature. Taking ^Ga view, this O.A. so filed stands disposed of at this stage itself as not fit for admission with a direction to the competent authority i.e. Respondent No.1 to dispose of the appeal at Annexure A-2 within a

period of 2 months from the date of receipt of copy of this order. As regards representation so kept pending (Annexure A-16) as well also ^{let be} decided in the hands of Respondent No.1 within a period of 2 months from the date of receipt of copy of this order. The same be disposed of in the hands of Respondent No.1 by ^{passing a} speaking and reasoned order in accordance with law. The O.A. is disposed of with no separate order as to costs.

4. After dictating this order on behalf of the applicant a prayer is made that if any way the applicant ^{is found} be aggrieved by the order so passed in the appeal or representation so filed, he be given liberty to file the O.A. afresh. In my considered view such observation or directions is not required to be given because in normal ^{he is not} course ^{for consideration} had liberty to file the O.A. afresh, if so advised.


(B.N. SINGH NEELAM)
VICE CHAIRMAN.

H.