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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 44/91

198

~~To XXXXX~~

DATE OF DECISION 27.6.1991

Mr. S.K. Banerjee Petitioner

Mr. G.S. Walia Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent

Mr. V.M. Bendre Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Yes
} Yes

(P.S. Chaudhuri)
Member (A)

(obj)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

* * * * *

Original Application No.44/91

S.K.Banerjee
C/o.Shri G.S.Walia, Advocate,
Office No.65, 1st Floor,
Prabhat Centre, Konkan Bhavan PO,
New Bombay 400 614.

... Applicant

V/s

1. Union of India, through
Secretary, Ministry of
Telecommunication,
New Delhi.
2. Chief General Manager,
Telecom. Factory, Deonar,
Bombay 400 088.
3. Director General, Department of
Telecommunication, Sanchar
Bhavan, 20, Ashoka Road,
New Delhi 110 001.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava
Hon'ble Member (A), Shri P.S.Chaudhuri

Appearances:

Mr. G.S.Walia, Advocate
for the applicant and
Mr.V.M.Bendre, holding the
brief of Mr. P.M.Pradhan,
Counsel for the respondents.

ORAL JUDGEMENT:

Dated : 27.6.1991

{Per. P.S.Chaudhuri, Member (A) }

This application under section 19 of the Administrative Tribunals Act was filed on 25.1.1991. In it the applicant who is working as Senior Engineer in the Telecommunication Factory at Bombay is seeking a direction for the payment of a differential amount of Rs.8,346/- in connection with the air fare incurred when he proceeded on deputation to Berlin, West Germany in pursuance of the respondents' order dated 18.11.1988.

2. We have heard the learned counsel for both sides.

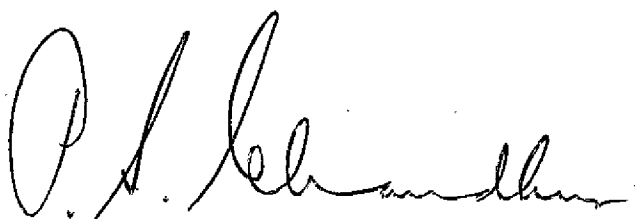
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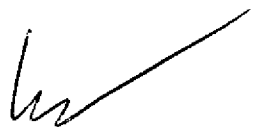
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3. Mr. Bendre opposes the application and states that he has not yet received the record from the respondents as the offices are located in a number of places. We are not impressed with this argument. The application was filed on 25.1.1991. By order dated 13.2.1991 notice returnable on 8.4.1991 was given regarding admission. On that date it was also made clear that the respondents should bring the complete record on 8.4.1991 as the matter was liable to be decided finally at the stage of admission hearing itself. In spite of subsequent orders on 8.4.1991 and 30.4.1991 the respondents have not yet filed any reply. Even today after a further lapse of two months no reply is forthcoming.

4. Against this background we see no reason as to why we should not allow this application and hold that the applicant is entitled to the amount claimed by him which was spent by him for going to Berlin where he did not go on his own account.

5. Accordingly this application is allowed. The respondents shall pay the amount claimed by the applicant within two months from the date of receipt of a copy of this order. In case the payment is not made within this period the respondents shall be liable to pay the entire amount with 12% p.a. interest. In the circumstances of the case there will be no order as to costs.


(P.S. Chaudhuri)
Member (A)


(U.C. Srivastava)
Vice-Chairman