

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 215/91
~~T.A. No.~~

198

DATE OF DECISION 10.5.1991

Shiv Bachan Rai Petitioner

Mr. D.V. Gangal Assisted by Mr. Y.R. Singh. Advocate for the Petitioner(s)
 Versus

Union of India and others. Respondent

None for the respondents Advocate for the Respondent(s)

CORAM

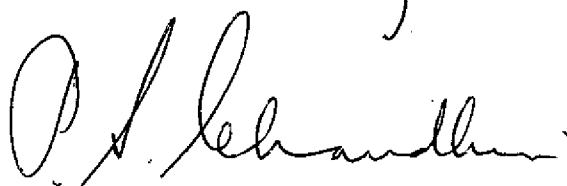
The Hon'ble Mr. P.S. CHAUDHURI, MEMBER(A)

The Hon'ble Mr. T.C.S. REDDY, MEMBER (J)

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

No


 (P.S. CHAUDHURI)
 M(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY

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ORIGINAL APPLICATION No. 215/91

Shri Shiv Bachan Rai,
S/o Shri Sitaram Rai,
residing at B-1/C-302,
Malanda Usha Colony,
Ramchandra Lane Extension,
Malad(W), BOMBAY - 400 064

..... Applicant

Vs.

Union of India
and others.

CORAM : HON'BLE SHRI P.S.CHAUDHURI, MEMBER(A)

HON'BLE SHRI T.C.S.REDDY, MEMBER(J)

Appearance

instructed Mr.D.V.Gangal, Adv,
~~Assisted~~ by Mr.Y.R.Singh, Adv,
for the applicant

None for the respondents

ORAL JUDGMENT

(PER: P.S.CHAUDHURI, MEMBER/A)

DATED: 10.5.1991

This application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 3.5.1991. In it the applicant who is working as Hatchery Officer at Central Poultry Breeding Farm, Bombay is seeking the payment of Non-Practicing allowance and other consequential benefits.

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2. We have heard Mr.Gangal, instructed by Mr.Y.R.Singh, learned counsel for the applicant. It is the applicant's case that he has submitted a representation dated 11.8.1989 against the nongranting of Non-Practicing allowance and has followed up the matter with reminders but is yet to receive a reply. Since six months have elapsed since the applicant submitted this representation which is a statutory appeal and the appeal still remains unanswered, we have no difficulty in holding that the applicant has complied with the requirements of Section 20 of Administrative Tribunals Act, 1985 in regard to availing of all the remedies available under the relevant service rules. Mr.Gangal, however, fairly submitted that he would be satisfied at this stage if the applicant were to be permitted to file a further representation in the matter within a week and the respondents were directed to pass final orders on both the original appeal and this subsequent appeal within a reasonable period. As such a direction is an innocuous one, we propose giving it even though the respondents are not before us.

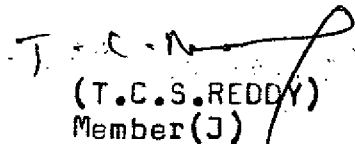
3. Accordingly, we dispose of this application at the admission stage with a direction to the respondents to consider and pass final orders on the applicant's representation dated 11.8.1989 and subsequent reminders, if not already done, in accordance with the law by 31.7.1991. When doing so, the respondents shall take into consideration any

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further representation made by the applicant provided such a representation is submitted by 20.5.1991. If the applicant continues to remain aggrieved even after final orders are passed on the said appeals, he is at liberty to approach this Tribunal afresh. A copy of original application No.215/91 be sent to Respondent No.2 alongwith a copy of this order.


(T.C.S. REDDY)
Member(J)


(P.S. CHAUDHURI)
Member(A)