

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

T.A. No.1975/86

Date of order: 17.7.'92

Moti Lal : Applicant
Versus
Union of India & Ors. : Respondents.
Mr. J.K. Kaushik : Counsel for the applicant
Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

The Hon'ble Mr. Justice D.L. Mehta
Vice Chairman.

The Hon'ble Mr.B.B. Mahajan, Adm. Member.

PER HON'BLE MR.B.B. MAHAJAN, ADM.MEMBER.

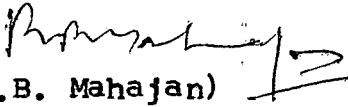
The applicant has filed a civil suit in the Court of Civil Judge, Jaipur City, Jaipur against termination of his services. The Civil Judge, vide judgment dated 7.4.1973, ordered reinstatement and a decree was also passed on 7.4. 1973, according to which the amount of damages awarded to the applicant plaintiff after deduction ^{of} was Rs.283/- on account of Provident Fund upto the filing of the suit and Rs.1090/- after the filing of the suit till the ^{date of} decree was decreed. Thus an amount of Rs.1,373/- was deducted from the amount of damages awarded to the plaintiff towards Provident Fund. The applicant filed another Civil Suit in the Court of Munsif and Judicial Magistrate, Bandikui for issue of decree for deposit of Rs.1,373/- in the Provident Fund of the plaintiff with interest @ 12% per annum. The suit has been transferred to the Tribunal under Sec.29 of the A.Ts Act.

2. The counsel for the respondent is not present today although the case was listed for hearing today. We have heard counsel for the applicant and perused the record. It is clear from the decree that the amount of Rs.1,373/- had been deducted from the damages awarded by the Civil Court on account of Provident Fund

deductable from the salary of the plaintiff. The respondents have stated in the reply that no amount of Provident Fund was deducted from the pay of the plaintiff but they have not specifically controverted the ^{portion} ~~portion~~ regarding the decree. In the writ petition No.2836/74 filed before the High Court of Judicature for Rajasthan, decided on 6th March 1979 (Ex 3) also directions were given that the termination order be set aside and the salary be paid. However, the judgment does not over-ride the decree which had already been passed.

3- In view of the ^{above} discussions, we allow this Transfer ~~Application~~ and direct the respondents to deposit the amount of Rs.1,373/- together with interest payable on the Provident Fund deposit as per rules, from the date of decree viz 7.4.1973 in the Provident Fund account of the applicant within 3 months from the date of this order.

The parties to bear their own costs.


(B.B. Mahajan)
Adm. Member.


(D.L. Mehta)
Vice Chairman.