

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.821/92

date of decision : 21-9-92

Between

Ch.Yadaiah : Applicant
and

Union of India, represented by

The Secretary
Ministry of Defence
New Delhi

2. The Scientific Adviser to the
Hon Minister of Defence & Director
General Research & Development,
Dte. of Personnel (RD-Legal Cell),
DHQ PO New Delhi 110 011

3. The Director
Defence Research & Dev. Laboratory
PO Kanchanbagh,
Hyderabad 500 258 : Respondents

Counsel for the Applicant : K. Sudhakar Reddy
Advocate

Counsel for the Respondents : N.R. Devaraj, Standing
Counsel for the Central Govt.

CORAM

HON. MR. T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

JUDGEMENT

(As per Hon. Mr. T. Chandrasekhara Reddy, Member (Judl.))

This is an Application filed under Section 19 of the
Administrative Tribunals Act, to direct the respondents to
pay subsistence allowance to the applicant herein from
December, 1990 onwards and pass such other order or orders
as may deem fit and proper in the circumstances of the case.

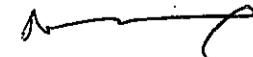
T. S. Reddy

2. The applicant herein, while working as Chowkidar in the third respondents office, had been removed from service with effect from 12-12-1978. The applicant filed writ petition before the Hon. High Court (WP.7903/82) challenging the removal order dated 12-12-1978. While the said Writ Petition was pending before the Hon. High Court, on 15-12-82 Hon. High Court directed the respondents to pay subsistence allowance with all arrears.

3. After the Central Administrative Tribunal was constituted the said writ petition (WP.7903/82) on the file of the High Court of Andhra Pradesh was transferred to this Tribunal under the Provisions of ~~the~~ Section 29 of the Administrative Tribunals Act, as the subject matter related to service conditions of the applicant herein. After transferring the said Writ ^{on} ~~the same~~ Petition was numbered TA.63/87. During the pendency of the said TA.63/87, the applicant was paid subsistence allowance as per the orders of the High Court dated 15-12-1982. As per the orders of this Tribunal dated 18-2-88 the TA was allowed. As against the said orders dated 18-2-88, the Department carried the matter in ~~an~~ appeal to the Supreme Court.

4. The said subsistence allowance was paid ~~on~~ 24-12-1990 to the applicant herein, even though the said matter was pending before the Supreme Court. But subsequent to 24-12-1990 the respondents have stopped making any payment towards subsistence allowance. Hence, the present OA is filed for the relief already indicated above.

5. Today, we have heard Mr. K. Sudhakara Reddy, Counsel for the Applicant and Mr. N.R. Devaraj, Standing Counsel for the Respondents, at the admission stage.

T - C - 

(29)

6. As soon as the said TA.63/87 was disposed of, vide Judgement of this Tribunal, dated 18-2-1988, this Tribunal had become functus officio, as the matter is pending before the Supreme Court. It is only for the Supreme Court that can pass appropriate orders with regard to the payment of subsistence allowance to the applicant.

7. In view of the ~~said~~ position, this Tribunal does not have jurisdiction to entertain this OA and hence this OA is liable to be rejected and accordingly we reject this OA under Section 19(3) of the Administrative Tribunals Act.

8. As we have rejected the OA, MA.1004/92 filed to condone ~~considering~~ the delay, ~~filed in~~ this OA becomes infructuous and is rejected as infructuous.

T. Chandrasekhara Reddy

(T. CHANDRASEKHARA REDDY)
Member (Judl)

8/11/92
Deputy Registrar (Judl)

Dated : 21-9-1992
Dictated in the Open Court

sk

Copy to:-

1. The Secretary, Ministry of Defence, Union of India, New Delhi.
2. The Scientific Adviser to the Hon. Minister of Defence & Director General Research & Development, dte. of Personnel (RD-Legal Cell), DHQ PO New Delhi-001.
3. The Director, Defence Research & Dev. Laboratory PO Kanchanbagh Hyderabad-258.
4. One copy to Sri. K. Sudhakar Reddy, advocate, CAT, Hyd.
5. One copy to Sri. N.R. Devaraj, SR. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

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P.K.

Paro (S) O.A. 821/92

TYPED BY

*R.M.
24/10*

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 21/9/1992

ORDER/JUDGMENT:

R.A. / C.A. / M.A. NC

in

O.A. No.

821/92

T.A. No.

(wp. No _____)

Admitted and interim directions
issued.

Allowed

Disposed of with direction

Central Administrative Tribunal

DISPATCH

Dismissed

Dismissed as withdrawn

18 NOV 1992

Dismissed for default

HYDERABAD BENCH

M.A. Ordered / Rejected

No orders as to costs.

Q. 9 : XI 92