

(34)

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A. No. 126/97.

DATE OF DECISION 6.2.1997.

G.Ratnaiah

(PETITIONER (S))

Shri G.Ratnaiah, Party in person

ADVOCATE FOR THE  
PETITIONER (S)

U.O. I. Reptd. by its Secy.,  
Dept. of Telecom., Sanchay Bhawan,  
20, Ashoka Road, New Delhi-110001 & Anr.

RESPONDENT (S)

Shri Sunil Kumar for  
Shri Kota Bhaskar Rao, Addl. CGSC

ADVOCATE FOR THE  
RESPONDENT (S)

THE HON'BLE SHRI Justice M.G. Chaudhari : Vice-Chairman

THE HON'BLE SHRI R.Rangarajan : 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 the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Shri R.Rangarajan : Member(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.126/97.

Date of order : 6.2.1997.

Between

G.Ratnaiah

.. Applicant

And

1. Union of India,  
Reptd. by its Secretary,  
Dept. of Telecom.,  
Sanchar Bhavan,  
20, Ashoka Road,  
New Delhi-110001.

2. Chief General Manager,  
Telecom.,  
Opp. Khanpur P.O.,  
Khanpur,  
Ahmedabad-1.

.. Respondents

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Counsel for the Applicant ..Shri G.Ratnaiah,  
Party in person.

Counsel for the Respondents .. Shri Sunil Kumar for  
Shri Kota Bhaskar Rao,  
Addl. CGSC

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C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri R.Rangarajan : Member(A)

Order

(Per Hon'ble Shri R.Rangarajan : Member(A))

Heard Shri G.Ratnaiah, Party in person and Shri Sunil  
Kumar for Shri Kota Bhaskar Rao, Addl. CGSC for the respondent

2. This O.A. is filed praying for a direction to the  
respondents to refund to him an amount of Rs.9,019/- reported  
to have been allegedly recovered as excess payment of HRA  
from 1.11.94 to 9.7.95 on the alleged ground that he was  
occupying the Inspection Quarters at Surat.

3. Similar prayer was made earlier also in O.A.No.500/96  
on the file of this Bench which was disposed of on 2.8.96.  
In that order we directed Respondent No.2 in the O.A.  
to dispose of the representation of the applicant dated 5.6.9-

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in accordance with the rules and regulations and inform the applicant by a speaking order within a period of three months from the date of receipt of a copy of the judgement.

4. In pursuance of the direction given in that O.A. the applicant was replied by the impugned letter No. Staff/13-38/G.R./40 dated 11.12.96 (Annexure XI to the O.A.). The reply states that his earlier representation dated 5.6.95 had already been replied vide letter of even number dated 10.7.95. A xerox copy of the reply dated 10.7.95 was enclosed to the impugned letter dated 11.12.96. ~~Our earlier order in the judgement~~ was dated 2.8.96, the earlier reply is earlier to the date of the judgement. It <sup>is noted</sup> shows that the applicant had not received the reply dated 10.7.95. In view of the above

O.A. 500/96 position the respondents should have carefully reconsidered his representation in pursuance of the direction given in the earlier O.A. and replied him suitably instead of drawing a reference to the earlier reply dated 10.7.95. Merely stating that his representation has been replied earlier and hence no further reply is required is not in strict compliance of the direction given in O.A. ~~No.~~ 500/96. Hence we are of the opinion that the reply dated 11.12.96 is honest and cannot be treated as a compliance of the judgement in O.A. No. 500/96.

5. In view of the above we are of the opinion that it is necessary for the concerned departmental authorities to give him a fresh reply drawing reference to their earlier replies also and in accordance with the rules and regulations within period of three months from the date of receipt of a copy of the order. The applicant may also be given an opportunity to explain ~~the reasons~~ his position in person if he so desires.

6. With the above direction the O.A. is disposed of at the admission stage itself. No costs.

One  
( R. Rangarajan )  
Member(A).

*M.G. Chaudhari*  
( M.G. Chaudhari )  
Vice-Chairman.

Dated: 6.2.1997.  
Dictated in Open Court.

br.

*My 15/2/97*  
Deputy Registrar (CC)

(3X)

G.A.126/97.

To

1. The Secretary, Union of India,  
Dept. of Telecom,  
Sanchar Bhavan, 20 Ashoka Road, New Delhi.
2. The Chief General Manager, Telecom,  
0//: Khanpur P.O. Khanpur, Ahmedabad-1.
3. One copy to Mr. G. Ratnaiah, Party-in-person, 7-192  
Samathanagar, Old Bowenpally, Secunderabad.
4. One copy to Mr. K. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.
7. One copy to D.R(A) CAT. Hyd.

pvm.

10/6/97  
I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD  
MEMBER(ADMN)

Dated: 6 - 2 - 1997

ORDER / JUDGMENT

M.A./R.A/C.A. No.

in

O.A.No. 126/97

T.A.No. (W.P. )

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

p.v.m.

