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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A. No. 1099/99

DATE OF ORDER: 3-2-2000

BETWEEN:-

Shaik Allabaksh

...Applicant

A N D

1. The Superintendent of Post Offices,
Tenali Division, Tenali.- 522 201
2. The Postmaster-General, Vijayawada Region,
Vijayawada - 520 002
3. The Postmaster, Bapatla, H.O - 522 101
4. The Union of India rep. by the Director-
General, Department of Posts, Dak Bhavan,
New Delhi - 110 001
5. The Union of India rep. by the Secretary
to the Government of India, Ministry of
Health and Family Welfare, Department of
Health, Nirman Bhavan, New Delhi

...Respondents

COUNSEL FOR THE APPLICANT: MR. T.V.V.S. MURTHY

COUNSEL FOR THE RESPONDENTS: MR. V. RAJESHWAR RAO

CORAM

HON'BLE MR. JUSTICE D.H. NASIR: VICE-CHAIRMAN

....

O r d e r

Heard the learned counsel Mr. T.V.V.S. Murthy for
the applicant and the learned standing counsel
Mr. V. Rajeshwar Rao for the Respondents

2. This O.A. is filed for obtaining a declaration
that the applicant is not liable to pay any penal
interest on account of delay in the adjustment of the
unutilised advance paid to the NIMS, Hyderabad by R-3 and

contd..

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consequently R-1, R-2 and R-3 are sought to be directed not to recover any penal interest from the same and to refund the amount recovered from him from April, 1999 onwards.

3. During the course of arguments it was noticed that the applicant had already made a representation dt. 16-7-99 to the Respondent-4 in this connection which has still not been disposed of. It is necessary that before filing the O.A., the applicant should exhaust all remedies available to him under law. In case he had already made a representation, he should ^{have} waited for six months after submission of representation. Since the present O.A. is filed before the expiry of 6 months from the date of representation, it ^{is} necessary that an opportunity should be given to both the parties to ensure that the representation is disposed of on merits.

4. Hence this O.A. is disposed of with a direction to Respondent-4 to consider the applicant's case as set out in the representation dt. 16-7-1999. The said representation shall be considered and disposed of by Respondent-4 as early as possible but not later than 31-3-2000.

5. Interim direction given by this Tribunal on 27-7-99 that the respondents are restrained from making recovery of the alleged dues from the applicant till further orders, shall remain in force, till the disposal of the applicant's representation and for a further period of 2 weeks from the date on which the said representation is disposed of.

contd..

The Registry is directed to send a copy of this O.A. alongwith its accompaniments to Respondent No. 4 to enable him to take into consideration the question/raised by the applicant in the present O.A.

The O.A. is disposed of accordingly. No costs.

D.H. Nasir
(Justice D.H. Nasir)
Vice-Chairman

'SA'

Dated: 3rd Feb., 2000
(Dictated in Open Court)

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mur

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

1. HDHND
2. HRRN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.)

THE HON'BLE MR. B.S. JAI PARAMESWAR
MEMBER (JUDL.).

* * *

DATE OF ORDER: 26/1/00

MA/RA/CP.NO.

IN

OA. NO. 1099/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

