

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 181/2001 with MA 117/2002

DATE OF ORDER: 15.12.2003

Suresh Chand Sharma son of Shri Dile Ram Sharma aged 58 years resident of B-192, Vaishali Nagar, Jaipur.

... Applicant.

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Defence (Civil Side), New Delhi.
2. The Engineer-in-Chief, Army Headquarter, DHQ/PO, Kashmir House, New Delhi.
3. The Chief Engineer, Western Command, Chandigarh.
4. The Chief Engineer, Headquarters, Bhatinda Zone, Bhatinda (Punjab).
5. The Garrison Engineer, Bhatinda Military Station, Bhatinda (Punjab).

... Respondents

Mr. V.B. Srivastava, Counsel for the applicant.

Ms. Shalini Sheoran, Proxy counsel for  
Mr. Bhanwar Bagri, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed this application whereby praying for the following reliefs:-

- (i) The service period of the applicant from 1 March 1995 to 14 December, 1995 may be treated as spent on duty while quashing the order No. OA 334/96/54/EIB(P&A) dated 24.1.2000 (Annexure-6) and order No. OA 334/96/82/EIB(P&A) dated 5 April 2000.
- (ii) The respondents be directed to make complete payment of all the dues and pay and allowances to the applicant forthwith, as are admissible and payable to him since 1st March 1995 with interest accrued thereon at the rate of 24% per annum on and from when and how it is due and till it is paid to the applicant;
- (iii) The action of the respondents to make a faulty implementation of the order of this Hon'ble Tribunal dated 4th October 1999 may kindly be declared to be illegal, arbitrary, unconstitutional and unwarranted and the same may kindly be condemned."

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2. It may be added here that the applicant had earlier filed an OA before this Tribunal which was allowed. The operative portion of the order is reproduced as under :-

"In the circumstances, this application is disposed of with a direction to the respondents to reconsider the applicant's case for treating the period from 1.3.95 to 14.12.95 as spent on duty keeping in view the decision of Hon'ble the High Court, reported in 1984 LAB. I.C. NOC 58 (KANT), H. Manchaiah vs. The Director of Medical Education, Bangalore, referred to above. The respondents are further directed to clear the pending dues mentioned in the letter dated 15.3.96, at Annexure A-1, within a period of three months from the date of receipt of a copy of this order."

3. From the relief granted in the earlier OA, the prayer made in this OA cannot be granted. It is evident that the applicant wants execution of the order dated 4.10.1999, which is not legally permissible in this proceedings and, as such, we are of the view that the present OA is wholly mis-conceived and the same is hereby dismissed with no order as to costs.

4. In view of the order in the OA, no order is required to be passed in the MA No. 117/2002 and it is also dismissed.

  
(A.K. BHANDARI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)