

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.50/04

(Civilian), this the 7th day of December, 2004

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

Tejmal Jain
S/o Late Shri Shankerlal Jain
Ex.EDDA Chainpur (Bareli)
District Raisen (M.P.)
R/o Village and Post Chainpur
District Raisen (M.P.)

Applicant

(By advocate None)

Versus

1. Union of India through the Secretary to Govt. of India Ministry of Post and Telegraph Department.
2. The Principle Chief Postmaster General 'MP' Circle, Bhopal.
3. Superintendent of Post Office Vidisha, Division Vidisha.
4. Deputy Divisional Inspector Bareli Sub Division Telegraph Department, Bhopal.

Respondents.

(By advocate Shri Om Namdeo)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought a direction to the respondents to pay salary and allowances together with all consequential benefits for the period from 5.5.95 to 26.1.03 and also TA/DA for attending the departmental enquiry as also seniority w.e.f. 1.1.80 on the post of EDDA.

2. The brief facts of the case are that the applicant has been working as EDDA at Chainpur (Bareli) w.e.f. 1.1.80. A charge sheet was issued to the applicant. He submitted his

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reply on 29.7.95 denying all the allegations. The enquiry officer submitted his report on 27.1.98 (Annexure A3). The disciplinary authority disagreed with the report of the enquiry officer and directed a de-novo enquiry from the stage of examination of prosecution witnesses (Annexure A5). Thereafter, the disciplinary authority, after considering the enquiry report and the defence of the applicant, passed the final punishment order vide order dated 10.7.2000 removing the applicant from service (Annexure A9). The applicant preferred an appeal which was rejected by the appellate authority vide order dated 24.8.2001 (Annexure A11). The applicant then preferred a revision petition which was allowed and the applicant reported for duty on 27.1.03. In view of the exoneration of the applicant from all the charges, he is entitled to pay and allowances with all consequential benefits for the period from 5.5.95 to 26.1.03 and also TA/DA for attending the departmental enquiry. Hence this OA is filed.

3. None ~~was~~ present for applicant. Hence the provision of Rule 15 of CAT (Procedure) Rules, 1987 is invoked.

4. Heard the learned counsel for respondents. It is argued on behalf of the respondents that the respondents have paid to the applicant all the wages for the period in question on 30.4.04 amounting to Rs.1,72,326, treating the period as on duty. As regards TA claims, the applicant did not prefer any such claims and hence no action on this score is possible. The applicant is not entitled for any further relief as his claim has already been settled by the respondents.

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4. After hearing the learned counsel for the respondents and on careful perusal of the records, we find that in this OA the applicant has claimed all consequential benefits for the period from 5.5.1995 to 26.1.2003 including pay and allowances. The respondents have stated that they have already paid all the consequential benefits to the applicant including an amount of Rs. 1,72,326/- on 30.4.2004. Hence, the OA has become infructuous. As regards the TA/DA claim for attending departmental enquiry under rules, the respondents have stated that though the applicant has claimed regarding this relief in the OA but have not preferred any claim before the competent authority in this regard. Therefore, as the applicant himself did not claim any TA/DA as per rules before the competent authority, he is not entitled for the same.

5. In the result the Original Application has become infructuous and is accordingly disposed of. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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Issued
On 14-12-04

मुख्यमंत्री संघर्षकला एवं आवश्यक कार्यकारी बोर्ड
परिषिक्षित आयोग का अधिकारी, जबलपुर, दि.
(1) सरिया, राजा राम नगर में उत्तरोत्तर, जबलपुर
(2) आवेदन कार्यालय, जबलपुर
(3) प्रबन्ध संगठन, जबलपुर
(4) विधायिका, लो. 203, विधायिका भवन, जबलपुर
सूचना एवं आवश्यक कार्यकारी बोर्ड
के कार्यालय
14/12/04 उप रजिस्ट्रार

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14/12/04
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