

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No.60/1095/2017

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Date of decision: 26.02.2018

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

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Santosh, age 51 years w/o Late Sh. Raj Kumar s/o Late Smt. Bharto Devi, #66, Dadumajra Colony, U.T, Chandigarh.

...APPLICANT

VERSUS

1. Union Territory Chandigarh, through its Home Secretary-cum-Secretary Health, U.T. Secretariat Building, Sector 9, Chandigarh.
2. Director, Health & Family Welfare, Chandigarh Administration, Sector 16, Chandigarh.
3. Medical Officer of Health, Municipal Corporation, Sector 17, Chandigarh.
4. Accountant General (A&E), Sector 17, U.T., Chandigarh.
5. Treasury Officer, Central Treasury, Sector 17, Chandigarh.

...RESPONDENTS

PRESENT: Sh. G.S. Sathi, counsel for the applicant.
Sh. V.K. Arya vice Sh. Mukesh Kaushik, counsel for respondents No.1, 2 and 5.
Sh. Arvind Moudgil, counsel for respondent no.3.
None for respondent no.4.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Learned counsel for the respondents raised a very fundamental objection with regard to maintainability of this petition as the applicant by way of present O.A. has impugned reply to his demand justice/legal notice dated 07.06.2017.
2. Learned counsel for respondent no.3 submitted that reply to legal notice cannot be impugned before this Court as it cannot be said to be an order as per Section 19 of Administrative Tribunals Act, 1985, therefore, he prayed that the O.A. be dismissed being misconceived.

3. Learned counsel for the applicant has admitted his fault that he cannot challenge reply to his legal notice or even reply to representation, but he submitted that since Municipal Corporation has already acceded to disburse gratuity on demise of late Raj Kumar, therefore, he prayed that let direction to issued to respondents to release gratuity to legal heirs of the deceased employee.
4. Considering that for fault of an advocate, the applicant may not suffer, I dispose of this O.A. with a direction to the respondents to release gratuity to legal-heirs of deceased employee as per rule formation. Let above exercise be carried out within a period of one month from the date of receipt of a certified copy of this order.



(SANJEEV KAUSHIK)
MEMBER (J)

Date: 26.02.2018.
Place: Chandigarh.

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