

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

Original Application No.290/00273/2018

Reserved on : 30.08.2018

Pronounced on : 31.08.2018

CORAM:

**HON'BLE MR. A.K.BISHNOI, MEMBER (A)
HON'BLE MRS. HINA P.SHAH, MEMBER (J)**

Prakash Chandra Bothra s/o Shri Chintamandas, aged about 66 years, R/o Dhani Bazar, Barmer-344001. Retd. P.A. Churu H.O.

...Applicant

(By Advocate: Shri T.C.Gupta)

Versus

1. Union of India through the Secretary, Ministry of Communication, Department of Post, Government of India, New Delhi- 110001.
2. Superintendent of Post Offices, Churu Division, Churu- 331001.

...Respondents

ORDER

Per Hon'ble Mrs. Hina P.Shah, M(J)

The applicant has filed the present OA u/s 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- A) In view of the facts and grounds enumerated above, it is most respectfully prayed that the respondents may be directed to pass the amount of Rs. 3381/- of travelling of members of his family on 3.3.2013 from Churu to Barmer along with interest @ 12%

for the period of intentional unexplained inordinate delay. The interest may be ordered to be recovered from the individual officers responsible for the delay, after fixing their responsibility for the delay.

B) Any other appropriate writ, order or direction, which may be considered just and proper in the facts and circumstances of the case, may be issued in favour of the applicant.

2. It is the submission of the applicant that he retired on superannuation on 31.07.2012 from Postal Department, Churu, Rajasthan. It is his claim that on retirement, he submitted TA bill for shifting his family members and personal belongings from Churu to Barmer, which is his home town. The TA bill for shifting his family members was rejected while the TA bill for shifting his personal belongings was passed.

The applicant had filed OA No.448/2015 against the part rejection of his TA claim and prayed that the respondents be directed to decide his claim and this Tribunal vide order dated 11.5.2016 directed the applicant to file a representation in this behalf and respondents shall pass appropriate orders on the said representation within one month from the date of receipt of copy of the order.

The applicant had filed representation dated 16.5.2016 and the respondents vide order dated 1.6.2016 had rejected his claim. The applicant thereafter filed OA

No.514/2016 before this Tribunal with a prayer that the respondents be directed to pass the amount of travelling of the three members of his family on 3.3.2013 from Churu to Barmer, on taxi restricted to second AC rail fair along with interest. This Tribunal vide its order dated 9.1.2018 after considering the submissions of the respondents, permitted the respondents to withdraw the impugned order dated 1.6.2016 and directed to reconsider the representation of the applicant dated 16.5.2016 submitted in pursuance to the order of the Tribunal in OA No.448/2015 dated 11.5.2016 and pass a fresh speaking order within a period of three months from the date of receipt of a copy of the order and the OA was disposed of accordingly.

In the present OA, the applicant is seeking a direction to the respondents to pass the amount of Rs. 3381/- of travelling of members of his family on 3.3.2013 from Churu to Barmer along with interest @ 12% for the period of intentional unexplained inordinate delay.

3. Heard Shri T.C.Gupta, learned counsel for the applicant at admission stage and perused the documents available on record.

4. On perusal of the pleadings, it is clear that the applicant has prayed similar relief in OA No.514/2016 wherein this Tribunal directed the respondents to reconsider the representation of the applicant dated 16.5.2016 submitted pursuant to order dated 11.5.2016 and pass a fresh speaking order. The respondents have passed order dated 10.4.2018 wherein they have clearly gone in detail and come to the conclusion that there is no ground to sanction more amount on account of retirement TA since Rs. 32675/- has been paid to the applicant against entitlement of Rs. 32671/-. Here, we have also noticed that the applicant filed Contempt Petition No.290/00025/2018 for non-compliance of the order dated 9.1.2018. In the above Contempt Petition, it has been observed that the Tribunal's directions were complied with by the respondents and, therefore, the Contempt Petition filed by the applicant was dismissed by this Tribunal vide order dated 28.8.2018.

5. In view of the detailed speaking order passed by the respondent on 10.4.2018 in compliance of the order dated 9.1.2018 passed in OA No.514/2016, the applicant is not praying for setting aside the said order dated 10.4.2018, but instead claiming the same relief which matter has

already been adjudicated in earlier OA No.514/2016 vide order dated 9.1.2018 and the Contempt Petition No.25/2018 filed for non-compliance of the said order was also dismissed.

6. In these circumstances, since the matter has already been adjudicated upon by this Tribunal in OA No.514/2016 vide order dated 9.1.2018, and in compliance of the said order, the respondents have passed a detailed speaking order, therefore, nothing survives in the present OA.

7. Accordingly, the present OA is dismissed at admission stage. No cost.

(HINA P.SHAH)
Member (J)

(A.K.BISHNOI)
MEMBER (A)

R/