

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA  
CIRCUIT AT PORT BLAIR.



No. O.A. 351/00939/2018

Date of order: 20.12.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri R. Surendran,  
S/o. Late K. Ravindran,  
Aged about 43 years,  
R/o Keralapuram,  
P.O. Diglipur,  
A & N Islands.  
Presently working as 'Forest Guard',  
Under the Office of the Divisional,  
Mayabunder Forest Division,  
Environment & Forest Division,  
A & N Islands.

Applicant

VERSUS

1. The Union of India,  
Through the Secretary to the Govt. of India,  
Ministry of Environment and Forest,  
Parivan Bhavan,  
New Delhi - 110 001.
2. Andaman and Nicobar Administration,  
Service through the Chief Secretary,  
Secretariat,  
Port Blair - 744 101.
3. The Principal Chief Conservator of Forest,  
A&N Administration, Vansadan,  
Haddo, Port Blair.
4. The Divisional Forest Officer,  
Office of the Divisional Forest Officer,  
Mayabunder Forest Division,  
Aranya Bhawan.

.. Respondents

For the Applicant : Mr. R. Kumar, Counsel

For the Respondents

Mr. S.K. Mandal, Counsel  
Mr. S.C. Misra, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

In this Original Application the applicant prays for the following relief:-

"(a) An order do issue commanding the respondent authorities directing the respondent authorities directing the respondent authorities to cancel/annul/set aside and quash the impugned Office Order dated 25.4.2018 the Office of the Divisional Forest Officer Mayabunder Forest Division, for recovery of excess payment being bad in law.

(b) An order do issue commanding the respondents to reassess the medical claims of the applicant in light of the judgment passed by the Hon'ble Central Administrative Tribunal, Circuit Sitting at Port Blair in O.A. No. 05/AN/2004 and the judgment passed by the Hon'ble Apex Court in the case of (State of Punjab vs. Ram Lubhaya Bagga) reported in AIR 1988 SC 1703 in the interest of justice.

(c) An order do issue commanding the respondents to refund the deducted amount if any as per the office order dated 25.4.2018 to the applicant without fault on his part.

(d) Orders do issue commanding the respondents to transmit the records of the case of this Hon'ble Tribunal to do conscionable justice.

(e) An order do issue commanding the respondents not to give any effect or further effect to aforesaid impugned letter dated 25.4.2018 in any manner whatsoever, till the disposal this application.

(f) Any other relief(s) that the applicant may be entitled to under the fact and circumstances and/or other appropriate order/orders/direction/directions as this Hon'ble Tribunal deem fit and proper in the interest of justice."

2. Heard both Ld. Counsel, examined documents on record.

3. The applicant's case, in brief, is that the applicant, a Forest Guard since 2004, was referred for Renal Transplant. Although an amount of Rs. 8,00,000/- was sanctioned as medical advance, only Rs. 6,01,070/- was reimbursed to him and the balance would be recovered in 11 instalments from his salary. Since the respondents failed to respond to his legal notice, the applicant has approached the Tribunal for relief.

*hali*

Ld. Counsel for the applicant refers to orders of the Tribunal in O.A. No. 05/AN/2004 dated 24.12.2004 in *Shri Taqui Imam v. Union of India & ors.* and submits that the respondents be directed to dispose of his pending representations in this regard in the light of Tribunal's order. The Ld. Counsel for the respondents does not object if such a direction is issued to the respondents to decide as per law.

On examination of the documents, however, we do not find any representation from the applicant apart from an advocate's notice dated 18.4.2018 (Annexure A-12 to the O.A.).

4. Accordingly, the applicant is given liberty to prefer a comprehensive representation to the competent respondent authority within a period of two weeks from the date of receipt of a copy of this order and, if the competent authority receives such representation the same may be disposed of within a period of four weeks in the form of a reasoned and speaking order, in accordance with law and in the light of decision in *Taqui Imam (supra)*. The decision arrived at should be communicated to the applicant forthwith. Till such time the representation is considered and disposed of, any recovery from the salary of the applicant shall remain stayed.

5. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

SP.