

(2020) 10 CAT CK 0025
In the Central Administrative Tribunal
Case No : Original Application No. 1522 Of 2020

Babu Ram

APPELLANT

Vs

Commissioner Of Police & Others

RESPONDENT

Date of Decision : 09-10-2020

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2020) 10 CAT CK 0025

Hon'ble Judges : A.K. Bishnoi, Member (A); R.N. Singh, Member (J)

Bench : Division Bench

Advocate : Ajesh Luthra, Amit Yadav

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. In the present OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant praying therein the following reliefs:-

(a) Direct the respondents to extend the benefit of court order dated 04.09.2019 in OA 824/2018 titled ASI Santosh Singh Vs. Commissioner of Police & Ors. to the applicant.

(b) Direct the respondents to immediately refund the illegally recovered amount from the applicant's gratuity with interest.

(c) Direct the respondents to release the arrears of the applicant in pursuance to the pay fixation order passed prior to the impugned recovery letter dated 28.10.2015

(d) Accord all consequential benefits

(e) Award costs of the proceedings; and

(f) Pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and

circumstances of the case."

2. The learned counsel for the applicant submits that for redressal of the grievances, the applicant has preferred a representation dated 28.9.2019 (Annexure A/4), however, the same is still pending consideration of the respondents.

3. Shri Luthra, learned counsel for the applicant, further submits that the issue raised in the present OA is similar to that in OA No.824/2018 and the same is already adjudicated by this Tribunal vide its order/judgment dated 4.9.2019 (Annexure A/3).

4. Issue notice.

5. Shri Amit Yadav, learned counsel appearing for Ms. Esha Mazumdar, learned senior standing counsel for the respondents, accepts notice.

6. Shri Ajesh Luthra, learned counsel for the applicant further submits that the applicant shall be satisfied, if the present OA is disposed of at this very stage with direction to the respondents to consider the applicant's aforesaid representation dated 28.9.2019 (Annexure A/4) in the light of the order/judgment dated 4.9.2019 (Annexure A/3) and to dispose of the same by passing a reasoned and speaking order in a time bound manner.

7. We have considered the submissions made by learned counsel for the parties. We are of the considered view that if such a request made on behalf of the applicant is acceded to, no prejudice is likely to be caused to the respondents.

8. In view of the aforesaid, without going into the merit of the claim of applicant, the present OA is disposed of with a direction to the respondents to consider the applicant's pending representation dated 28.9.2019 (Annexure A/4) keeping in view the order/judgment dated 4.9.2019 (Annexure A/3) and to dispose of the same by passing an appropriate reasoned and speaking order as expeditiously as possible and in any case within 10 weeks from the date of receipt of a copy of this order.

9. The OA is disposed of in the aforesaid terms. No order as to costs.