
(2021) 04 CAT CK 0005

In the Central Administrative Tribunal

Case No : Original Application No. 725 Of 2021, Miscellaneous Application No. 950 Of 2021

Laxmi Devi Sharma

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 01-04-2021

Acts Referred:

Citation : (2021) 04 CAT CK 0005

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

Bench : Division Bench

Advocate : H P Chakravorty, Y P Singh

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. It is the case of the applicant that the applicant has earlier approached this Tribunal vide OA No.102/2014 to challenge the charge memo dated 07.10.2011 and the orders passed by the disciplinary and appellate authorities, pursuant to the said charge memo. The said OA was allowed by this Tribunal vide Order/Judgment dated 16.03.2016 (Annexure A1) with the following directions:-

"18. In the light of the aforesaid reasons, the instant OA is accepted. The impugned order of dismissal dated 26/27.03.2012 (Annexure A-1) passed by the Disciplinary Authority, order dated 26.06.2012 (Annexure A-4) passed by the Appellate Authority and the vague Memorandum/Article of Charge (Annexure-I) are hereby set aside in the obtaining circumstances of the case.

Needless to mention, the competent authority would be at liberty to initiate a fresh inquiry after serving specific charges and by appointing Enquiry Officer and then to proceed in the matter, in accordance with law. No costs."

2. Learned counsel for the applicant argues that pursuant to the aforesaid directions of the Tribunal passed in the said OA, the applicant has been re-

instated in service on 02.06.2016. However, the applicant's pay has neither been re-fixed nor various benefits i.e. annual increment, the benefits accrued to him on account of recommendations of the pay commissions and acceptance thereof by the Government as well as the intervening period i.e. period from the date of order of dismissal till the date of his re-instatement has also not been decided. The applicant has preferred various representations, including the one dated 06.07.2018 (Annexure A7) followed by a legal notice dated 21.05.2019 (Annexure A9).

3. Learned counsel for applicant argues that in spite of lapse of more than a year of the aforesaid representation and legal notice, the same have not been responded to by the respondents.

4. Issue notice. Shri Y. P. Singh, learned counsel, who appears for respondents on advance service, accepts notice.

5. Shri H. P. Chakravorty, learned counsel for applicant, at this stage, submits that the applicant shall be satisfied, if the present OA is disposed of with direction to the respondents to consider the applicant's aforesaid pending representation and legal notice issued on behalf of the applicant and to dispose of the same by passing a reasoned and speaking order in a time bound manner. To such request of the learned counsel for applicant, there is no objection from the learned counsel for respondents.

6. In view of the aforesaid, without going into the merits of the claim of the applicant, the present OA is disposed of with direction to the respondents to consider the applicant's aforesaid pending representation and legal notice and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within 12 weeks of receipt of copy of this Order.

7. OA is disposed of in the aforesaid terms.

8. Pending MA also stands disposed of accordingly. No costs.