

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22691-2016 (O&M)

Date of decision: 03.11.2016

Ajit Balaji Joshi

..... Petitioner

Versus

Central Administrative Tribunal and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Suvir Sehgal, Senior Standing Counsel with
Mr. Vikas Chatrath, Standing Counsel for U.T. Chandigarh.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India, *inter alia*, seeking quashing of the order dated 24.10.2016 (Annexure P-1) passed by respondent No. 1-Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal'), whereby the petitioner was directed to appear personally before the Tribunal on 02.11.2016, even if the directions dated 13.01.2016 (Annexure P-2) passed by the learned Tribunal stands complied, with further direction that the petitioner shall not draw the salary till compliance of the aforesaid directions Annexure P-2.

2. On October 27, 2016, it was submitted by learned counsel for the petitioner that an amount of ₹ 9,16,760/- was credited to the bank account of respondent No. 2 on the said date and the balance amount of

the case was adjourned for today and personal appearance of the petitioner on 02.11.2016 before the Tribunal, was stayed by this Court.

3. Today, learned counsel for the petitioner has placed on record the affidavit of the petitioner stating therein that the entire amount along with interest as given in the tabulation form in para 4 of the affidavit has already been paid to respondent No. 2. It was stated that the same is in consonance with the orders passed by the learned Tribunal. Para 4 and 5 of the affidavit reads thus:-

“4. That for the convenience of this Hon'ble Court, it is submitted that the payments have been made to respondent No. 2 in terms of the directions issued by the Hon'ble Tribunal, dated 13.01.2016 in O.A. No. 060/00623/2015 titled Davinder Singh Balouria Vs. Union of India & others. The details of the same are given hereunder in a tabulated form, for convenience of this Hon'ble Court:-

Heads under which the payments have been made	Date of release/sanction of payments	Amount (in rupees)
Interest on DCRG, Pension and Commutation	28.10.2016	2,57,286/-
DCRG/Gratuity	27.10.2016	9,16,740/-
Pension and others Arrears	02.11.2016	8,20,665/-
Leave Encashment	02.02.2014	5,55,600/-
GIS	30.08.2014	49,982/-
GPF	28.10.2014	19,47,597/-

5. That in terms of the directions issued by the Hon'ble

Tribunal dated 13.01.2016, the entire payment along with interest stand paid to respondent No. 2. The direction passed by the learned Tribunal on 13.01.2016 thereby stands complied with.”

4. In view of the above, the impugned order dated 24.10.2016 (Annexure P-1) is hereby set aside. Needless to say, the petitioner shall be entitled to draw his salary.

5. The instant writ petition stands disposed of accordingly.

**(AJAY KUMAR MITTAL)
JUDGE**

November 03, 2016
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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No