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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P. No. 262/2001

IN

OA No. 949/2001

New Delhi: this the 29 day of AUGUST 2001.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. Vedavalli, MEMBER (J)

Atma Prakash Sharma,
S/o Shri Gian Prakash,
R/O Garhi Harsaru,
Gurgaon (Haryana)

.... Applicant.

(By Advocate: Shri B.T. Kaul).

Versus

1. Dr. R.S. Paroda,
Director General,
Indian Council of Agriculture Research
Krishi Bhawan,
New Delhi-1

2. Mrs. Shashi Mishra,
Secretary,
ICAR,
Krishi Bhawan,
New Delhi-1.

3. H.C. Pathak,
Director (Finance),
ICAR,
Krishi Bhawan,
New Delhi -1

4. A.C. Ghosh,
Under Secretary (Admn.),
ICAR,
Krishi Bhawan,
New Delhi-1

5. Mr. Jagat Ram,
Finance & Accounts Officer,
ICAR,
Krishi Bhawan,
New Delhi-1

.... Respondents

(By Advocate: Shri V.K. Rao)

ORDER

S.R. Adige, VC (A) :

Heard both sides on CP No. 262/2001 alleging
contumacious non-compliance of the Tribunal's ex parte
interim order dated 18.4.2001 in OA No. 949/2001, which

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was further extended on 27.4.2001.

2. Applicant had filed O.A. No. 949/2001 in the Tribunal impugning a transfer order dated 15.1.2001. That O.A. came up for hearing on 18.4.2001 and by order of aforesaid date, notice was ordered to be issued to respondents returnable on 27.4.2001. The matter was ordered to be listed for hearing on interim relief on 27.4.2001 and meanwhile respondents were directed to maintain status quo in respect of applicant. On 27.4.2001 respondents' counsel appeared and sought time to file reply, which was granted and the case was ordered to be listed on 5.7.2001. Meanwhile the interim orders were ordered to continue.

3. Applicant contends that the aforesaid transfer order dated 15.1.2001 was not followed by any relieving order, which is issued in all transfer cases. He contends that he had proceeded on leave w.e.f. 16.1.2001 on the basis of a leave application submitted on 12.1.2001 which had been approved by the competent authority. He further states that he was on medical leave from 30.1.2001 till 30.4.2001 on which date he joined work and transacted official work business included signing of cheques, which were also encashed, but respondents by letter dated 9.5.2001 informed him that his joining report was not acceptable as he stood relieved w.e.f. 15.1.2001.

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4. Respondents challenge these assertions.

They contend that applicant stood relieved w.e.f. 15.1.2001 pursuant to the transfer order and ~~as~~ ^{no} 2 separate relieving order ^{was} necessary. They state that after receiving the transfer order dated 15.1.2001, applicant applied for E.L. w.e.f. 16.1.2001 till 14.2.2001 by back dating his application to 12.1.2001, and getting it approved by an officer who himself stood transferred. They allege that applicant has acted malafidely and he is no more on the rolls of ICAR Headquarters w.e.f. 15.1.2001. Their stand is contained in their Memo dated 9.5.2001 (Annexure C-2).

5. For the purpose of disposing of the C.P. we need not enter into this controversy. Whether the stand of applicant is correct or that of respondents will be adjudicated in the course of the O.A. which is separately being heard. In so far as respondents' communication dated 9.5.2001 (Annexure C-2) and 18.5.2001 (Annexure C-6) are concerned they are in response to applicant's own communication dated 30.4.2001 and dated 10.5.2001 respectively setting out respondents' position and cannot be construed to be deliberate and wilful defiance of the Tribunal's interim order dated 18.4.2001.

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6. In the result the C.P. is dismissed and notices are discharged without prejudice to applicant's right to advance the aforesaid contentions in the O.A.

A Vedavalli

(Dr. A. Vedavalli)
Member (J)

Adige

(S.R. Adige)
Vice Chairman (A)

karthik