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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 685/98

New Delhi: this the // day of May, 1999.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri A. L. Sanjeevi,
S/o Sh. A. L. Swamy,
working as Investigating Inspector,
vigilance,
R/o C/o Karnail Singh Sahota,
C-372, Luxmi Bai Nagar,
New Delhi

..... Applicant.

(By Advocate: Shri Aprub Lal)

Versus

1. Union of India
through
Railway Board,
Ministry of Railways,
Rail Bhawan,
New Delhi.

2. The Executive Director (Vigilance) (T),
5th Floor,
Railway Board,
Rail Bhawan,
New Delhi-01.

3. Divisional Railway Manager,
South Central Railway,
Hyderabad Division,
Secunderabad

(Andhra Pradesh).....

.... Respondents.

(By Advocate: Shri V. S. R. Krishna)

ORDER

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

Applicant seeks a direction to respondents to issue a formal repatriation/relieving order from the post of Inspector (Vig) to enable him to join his parent railway and treat the intervening period from 4.10.96 till the date of issue of the formal relieving order as duty period, with consequential benefits.

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2. Heard both sides.

3. Our attention has been invited to Railway Board's letter dated 1.10.96 addressed to G.M(P), S.C.Railway, Secunderbad placing back applicant's services with his parent railway i.e. S.E.Railway and stating that he is relieved from his duties from Board Office w.e.f. 1.10.96 and directing him to report to G.M.(P) S.E.Railway, Secunderabad for further order. A copy of the letter has been endorsed to applicant who has directed to deposit his I.D.Card., CGHS Card; Library Card etc. with Board Office and obtain 'No Dues Certificate'. Below the typed portion of the letter is the word 'issued' written in hand and an illegible signature with the date 1.10.96 and the words "Vig-II and illegible/V-2 and the name A.L.Sanjeevi".

4. Applicant contends that the letter was never served on him, and he has no knowledge of the same, while respondents aver that applicant did not receive the aforesaid letter dated 1.10.96 repatriating him to his parent railway wilfully and has been absconding ever since. They state that applicant had to be repatriated before completion of his deputation period because of irregularities committed by him and had been representing to various authorities for reinduction in Vigilance Deptt. of Railway Board and was therefore well aware of the repatriation order.

5. Respondents' contention is borne out by applicant's own representation dated 18.10.96 titled "Subject: Mercy Appeal for Restoration of Status Quo", and we are satisfied that applicant cannot claim to have been unaware of the contents of respondents' letter dated 1.10.96, and he should have acted in

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accordance with the contents of that letter.

6. Under the circumstance, the OA warrants no interference and is dismissed. No costs.

Lakshmi Swaminathan

(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S. R. Adige

(S. R. ADIGE)
VICE CHAIRMAN (A).

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