

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

O.A. NO.926/96

(8)

New Delhi, this 7th day of November, 1996.

V.P. Sharma
s/o Shri B.L. Sharma
r/o 181 Block I, Khurbura Mohalla
Distt. Dehradun, U.P.

Employed as Central Store Keeper
CCBF, Adesh Nagar, Lakhimpur Kheri ..Applicant

(by Advocate Shri A.K. Bhardwaj)

VS.

VS.

1. Union of India, through
The Secretary
Ministry of Irrigation/Agriculture,
Department of Animal
Husbandry & Dairying
Krishi Bhawan, New Delhi.
2. The Deputy Secretary
Government of India
Ministry of Agriculture
Dept. of Animal Husbandry
and Dairying
Krishi Bhawan, New Delhi.
3. The Director
Govt. of India
Ministry of Agriculture & Irrigation
Department of Agriculture
Central Cattle Feeding Farm
Andeshi Nagar
Post Box No.63
Lakhimpur Kheri
U.P.- 262 701
... Respondents

(through Sh. B.K. Punj, proxy for
Sh. M.M. Sudan, counsel for respondents)

ORDER ORAL

The Applicant was working as Central Store
Keeper in the Central Cattle Breeding Farm (CCBF),
Andeshnagar, Lakhimpur Kheri (UP). On being served

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transfer orders to CCBF, Suratgarh, he had filed an OA No.1346/94 before this Tribunal. The same was disposed of with the directions to Respondents to consider his representation and to take a decision thereon within one month. The applicant's representation was considered and his transfer orders were cancelled vide order dated 8.2.95. The applicant alleges that though the transfer order was cancelled, the respondents continued to harass him and in March 1995 initiated a frivolous fact finding inquiry against him. He was also placed under suspension vide order dated 27th/30th June 1995. This led to an appeal by the applicant before the Joint Secretary concerned in the Government of India, Ministry of Agriculture. He submits that as a result thereof, his suspension was also revoked.

2. His first complaint is that during the period of suspension, that is, from 27.6.95 to 20.9.95, the respondents did not allow him any subsistence allowance. Secondly, after the revocation of the suspension order, when he reported for duty at Lakhimpur Kheri, he was not allowed to perform any work nor his attendance in the attendance register was allowed to be marked. Ultimately, on his representations, the respondents allowed him to mark his attendance from 23.9.95. He alleges that he was not allowed pay from 25.10.95 to 31.10.95 though he was present in the office and the respondents have illegally treated this period

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as Leave Without Pay. He further submits that he had personally reported the illegal actions of the respondents before the Deputy Secretary in the Ministry who had written vide Annexure A-I to the Director, CCBF, Lakhimpur Kheri, to assign him the work on revocation of suspension as was entrusted to him earlier and further that he should be paid the subsistence allowance for the period of suspension.

3. The applicant now has come before the Tribunal seeking a direction to the respondents to implement A-I annexure, to direct the respondents further to assign him the work which he was doing before his suspension, not to make any recovery from his subsistence allowance and to pay him the full subsistence allowance before the period of suspension.

4. I have heard Shri Bhardwaj, 1d. counel for the applicant. He argues that the conduct of the respondents is in line with the earlier policy of harassment which led to the transfer order on account of which he had to approach this Tribunal. Further, the orders of the Deputy Secretary at A-I regarding assignment of the work as was entrusted to him earlier has not been complied with. The respondents are making the applicant do odd jobs including grass cutting etc. even though he is a Store Keeper. Further, they have not paid him the salary for the period from 20th September 1995 to 27th January, 1996 on one pretext or the other.

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5. The above contentions have been controverted by the respondents. The 1d. proxy counsel for the respondents, Shri B.K. Punj, submitted that the applicant was offered the subsistence allowance but he had refused it; but the same has now been paid. This fact is also confirmed by Shri Bhardwaj.

6. A consideration of the matter will find that only two issues remain. Firstly, the consideration of the period between 20.9.95 to 27.1.96 and secondly the assignment of proper work to the Applicant. As far as the second point is concerned, there is no allegation that the respondents are not paying full salary of Store Keeper to the applicant. The 1d. proxy counsel for the respondents submitted that the Store has been sealed after a committee of officers was appointed since the applicant had refused to hand over the charge. This Tribunal cannot go into the fact of adjudication as to what work is actually being assigned to the applicant. Since it is an admitted fact that salary has been paid to the applicant, no interference is called for by this Tribunal in regard to the work assigned to the applicant.

7. The other question which remains is with regard to the payment of salary. The respondents have submitted a copy of order at Annexure R-3 whereby the entire period from 1.12.95 to 10.1.96 has been treated as Extraordinary Leave since the applicant was absent during duty hours without any leave application. The applicant himself states in his OA, para 4.10, that when the respondents were not allowing him to mark his presence from 3.11.95, he applied for leave till 20.11.95, but from 20.11.95

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applied for leave till 29.11.95, but even from 30.11.95 also, the respondents did not allow him to mark his presence. This will indicate that during at least part of the first period, the applicant was not present. The question whether he actually applied for leave is a matter of dispute. The period for which pay is claimed by the applicant has been covered now by the order of the respondents. If the applicant is not satisfied with this order, he should make a proper representation to the respondents so that in case he has any leave at his credit, the respondents could consider the question of adjusting the period of absence suitably.

Finding no merit in the application, the same is dismissed. No order as to costs.

/avi/

R.K. Aroojat
(R.K. AROOJAT)
MEMBER (A)