

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.408 of 1997

New Delhi, this the 1st day of May, 1997.

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

Ashok Kumar
S/o Shri U. N. Mandal
R/o C-28 Nanakpura
Moti Bagh-II
NEW DELHI-110021.

... Applicant

By Advocate: Shri A. K. Behera

versus

1. Secretary
Ministry of Finance
Department of Revenue
North Block, New Delhi-110001.
2. Director General
Narcotics Control Bureau
Sector-I, West Block
R. K. Puram
NEW DELHI-110066.
3. Competent Authority
Department of Revenue
9th Floor, Lok Nayak Bhawan
Khan market
NEW DELHI-110003.
4. Deputy Secretary
Competent Authority Cell & Coordination
Department of Revenue
1st Floor, North Block
NEW DELHI-110001. ... Respondents

By Advocate: Shri K.C.D. Gangwani

O R D E R (Oral)

The applicant who was posted in the Narcotics Control Bureau, Zonal Unit, Jodhpur, was transferred vide order dated 11.11.94 (Annexure A-1) to the office of the Competent Authority, Ahmedabad. On 14.5.96, the Competent Authority directed him to be repatriated to the Narcotics Control Bureau Headquarters, New Delhi and he was relieved from the

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office of the Competent Authority, Ahmedabad on the same date. He submitted his joining report at the office of the Narcotics Control Bureau Headquarters, New Delhi on 17.5.96 as per Annexure A-4. However, the applicant was informed vide an order dated 20.5.96 that the Delhi Office was not in a position to accept the joining report and it was also stated that the reason for the same was communicated to the Competent Authority, Ahmedabad (Annexure A-5). He made a representation to the Deputy Secretary, Ministry of Finance, Department of Revenue, Competent Authority Cell, New Delhi who directed the Delhi Office to accommodate the applicant ~~in his office~~ vide order dated 6.8.96 (Annexure A-7). That too, however, was not implemented. ^{or} ~~Orders~~ ^{Rescindus} were also issued from Ministry of Finance, but to no avail. Finally the applicant approached the Tribunal by this OA seeking a direction to the respondents to treat the period from 14.5.96 till the date of his actual joining as period spent on duty and to pay him the salary and allowances for the said period alongwith the interest at the rate of 18% per annum.

2. Notice having been issued to the respondents, no appearance was made through counsel. A interim order was issued on 20.2.1997 by the Tribunal directing Respondent No.3 to allow the applicant to

join the office of the Competent Authority, New Delhi provisionally. On the basis of this interim direction the applicant joined his duties in the office of the Competent Authority.

3. I have today heard Shri A. K. Behera, counsel for the applicant and Shri K. C. D. Gangwani, counsel for the respondents. Shri Gangwani submits that the applicant has now been adjusted in the office of the Competent Authority ^{New Delhi} SAFEMA & NDPSA/with effect from the afternoon of 24.2.97. As regards interim period from 14.5.96 to 24.2.97, Shri Gangwani states that the matter has to be sorted out between the two departments. Shri Behera, on the other hand, submits that it was not the responsibility of the applicant whatsoever in the matter since he reported ^{to} the Delhi Office on the basis of the direction from the Competent Authority. The applicant is a Class-IV employee and he is put to unnecessary difficulties for non payment of his salary and allowances for the interim period.

4. I have considered the matter carefully and I am inclined to allow the application since the applicant was kept out of his duties only because of the confusion between the offices at Delhi and Ahmedabad. The applicant cannot be ^{held} responsible for this lack of coordination. He had made a number of

representations to the Ministry of Finance and despite directions issued by the Ministry, he had not been allowed to join his duties till orders were issued by the Tribunal. In the circumstances, respondents may sort out their internal administrative difficulties. It is directed that the applicant ~~is due to have joined~~ ^{having reported for duty or} in New Delhi from 17.5.96 and the said interim period will be treated as on duty and respondents will pay to the applicant the salary and allowances from that date within a period of one month from the date of receipt of a copy of this order. There is no order as to costs.

R. K. Ahuja
(R. K. Ahuja)
Member (A)

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