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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.484/1997

New Delhi: this the 26 day of MAY ,1998.

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

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

Jodha Tekchandani,

R/o GG- 1 156, Vikaspuri,

New Delhi -18

.....Applicant.

(By Advocate: Mrs.Rani Chhabra)

Versus

1. Union of India, through
its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Director General,
Central Reserve Police Force,
CGO Complex, Lodhi Road,
New Delhi.

3. Inspector General of Police,
Central Reserve Police Force,

4. Commandant, 37 Bn.
CRPF,
Narsingarh-Agartala (W.Tripura),

5. Assistant Director (Accounts),
Admn. CGO Complex,
Lodhi Road,
New Delhi

..... Respondents.

(By Advocate: Shri K.C.D.Gangwani)

JUDGMENT

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

Applicant impugns respondents' orders dated 16.10.96 (Annexure-#8), in so far as it does not treat applicant to have been in service during the period 14.6.94 to 18.12.94.

2. The facts of the case are available in the CAT PB judgment dated 23.2.96 in O.A. No.2072/95 filed by applicant. At page 3 of that judgment which was delivered in open court in the presence of applicant's counsel Mrs. Rani

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Chhabra, whom we have also heard in the present OA, the Tribunal held that applicant is deemed to have retired from service on the expiry of the notice period under Rule 48(A)(2) CCS(Pension) Rules, and the notice period expired on 14.6.94.

3. Applicant contends however that despite having put in notice for retirement, he actually put in duty till 19.12.94 and then was allowed to proceed on leave from 19.12.94 to 1.2.95. He therefore claims that he should be treated as having been in service till 18.12.94.

4. Respondents however contend that as per the Tribunal's judgment dated 23.2.96 (supra) applicant has been treated as having retired from service on 14.6.94 and necessary retiral benefits have been calculated on that basis. They state that applicant should not have waited for the permission of voluntary retirement on expiry of the date of notice period. His request was not refused either and hence the question of treating him as in service for the aforesaid period does not arise. They however do not deny that applicant actually did put in service for the period 14.6.94 to 18.12.94.

5. In view of the fact that the Tribunal in its judgment dated 23.2.96 has held that applicant's date of retirement would be deemed to be the date the notice period expired i.e. 14.6.94 and this judgment has attained finality, we as a coordinate Bench are not empowered to direct any alteration in that date. Under the circumstance applicant's date of retirement for the purpose of all retiral benefits shall continue to be 14.6.94.

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6. However, respondents do not deny that applicant actually did put in service till 18.12.94 and it is well settled that applicant cannot be denied pay and allowances for the period he actually did put in service. Govt. is also supposed to act as a model employer and not deny to the employee the pay and allowances for the period he actually worked.

7. In the facts and circumstances of this particular case therefore, which should not be treated as a precedent, respondents should calculate the pay and allowances for the period 14.6.94 until 18.12.94 admissible to applicant for the aforesaid period during which he worked with them, and after deducting the monthly pension payable for the said period, pay the balance to him within 3 months from the date of receipt of a copy of this order and in case any portion of the aforesaid sum has already been paid to applicant the same shall not be recovered from him?

8. The OA is disposed of in terms of paras 5 and 7 above. No costs.

A. Velavalli

(DR. A. VEDAVALLI)
MEMBER(J)

Adig.

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

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