

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1082/90
T.A. No.

199

DATE OF DECISION 12.4.1991.

Shri C.R. Verma	Petitioner Applicant
Shri P.T.S. Murthy	Advocate for the Petitioner(s) Applicant
Versus	
Union of India through the Secy., Miny. of Labour & Ors.	Respondent
Shri P.H. Ramchandani,	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble
Mr. D.K. Chakravorty, Administrative Member)

The applicant, who has worked as Regional Director of Apprenticeship Training in the office of the respondents, filed this application under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- (i) to quash the impugned order dated 26.3.1990, whereby he was posted to Ludhiana;
- (ii) to direct sanction of all the advances applied for by him and to reconsider his posting to any alternative place other than Ludhiana; and
- (iii) issue of orders under FR-54 B(1) read with FR-54 B(5).

2. The facts of the case in brief are as follows.

The applicant joined the Government service in 1969 as Deputy Director, which is a senior Class I post. He was promoted as Joint Director in 1978, and as Regional Director, in 1986.

3. The applicant was arrested on 4.12.1987 in connection with a criminal case and was deemed to be under suspension w.e.f. 4.12.1987. On 22.8.1989, the Criminal Court, however, discharged him for want of sufficient evidence. After the delay of about seven months, the respondents revoked the order of suspension w.e.f. 7.3.1990. In the order issued by the respondents on 7.3.1990, the applicant was also directed to report for duty as Director at Ludhiana. It was also added that formal order for his posting/transfer would be issued separately. He was further informed that the orders for regulation of his pay and allowances for the period of suspension and treatment of suspension as duty or otherwise, in pursuance of the provisions of FR-54B(1) read with FR-54 B(5) would be issued in due course.

4. The application was filed in the Tribunal on 30.5.1990. By that time, the respondents had not given him the T.A. advance on transfer and one month's

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pay advance for which he had applied. The respondents also passed an order regulating the pay and allowances of the applicant for the period of suspension and treatment of the period of suspension as duty only on 16.10.1990, which was also after the filing of the present application.

2 5. The pleadings in the case are complete. The application has not been admitted. After hearing the learned counsel for both the parties, we feel that the application could be disposed of at the admission stage itself and we proceed to do so.

10 6. The learned counsel for the respondents stated that nothing survives in the present application as the applicant has already reported for duty at Ludhiana, and that the respondents have released to the applicant the T.A. advance on transfer as well as advance of a month's pay by office order dated 7.8.1990. They have also passed an order on 16.10.90 regarding the treatment of the period of suspension and the pay and allowances admissible to him during the said period.

7. As against this, the learned counsel for the applicant contended that the applicant joined at

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Ludhiana only pursuant to the suggestion made by the Tribunal and that there had been inordinate delay in releasing the T.A. and D.A. admissible to the applicant. According to him, the respondents have not taken a decision as regards the treatment of the period from 8.3.1990 to 31.7.1990. He further stated that Shri Ram Vilas Paswan, the then Labour Minister, had assured the applicant that it would be possible to post him at Faridabad in the month of January, 1991, after the incumbent of the post of RDAT, Faridabad retired from service in December, 1990. In this context, the applicant has annexed as Annexure XII to the rejoinder affidavit, a copy of the letter written by Shri Paswan to Smt. Chandrawati, Lt. Governor of Pondicherry in June, 1990. The learned counsel for the applicant has also stated that the amount of T.A./D.A. advance was given to the applicant belatedly.

8. We have gone through the records of the case and have considered the rival contentions. The applicant had alleged mala fides on the part of the respondents. On careful consideration, we are of the view that he has not substantiated this allegation.

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It is true that there had been delay in the release of the T.A. and D.A. advance admissible to the applicant on his transfer to Ludhiana. It would not, however, be possible to issue any directions to the respondents at this stage in this regard. The respondents have also issued an order regarding the regulation of the period of suspension.

9. The only issue that survives is regarding the treatment of the period from 8.3.1990 to 31.7.1990. During the said period, the applicant had not joined at Ludhiana. In the facts and circumstances of the case, we feel that the period from 8.3.1990 to 31.7.1990, during which he had not joined duty, should be regularised by granting to the applicant joining time admissible and leave for the remaining period as per the rules. The respondents shall do so within a period of one month from the date of receipt of this order.

10. The application is disposed of accordingly. There will be no order as to costs.

D.K. Chakravorty 12/4/89
(D.K. Chakravorty)
Administrative Member

P.K. Kartha 12/4/91
(P.K. Kartha)
Vice-Chairman(Judl.)