

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 1138/90 199  
T.A. No.

DATE OF DECISION 21-12-90

Shri Ishwar Singh Verma	Petitioner Applicant
Shri B.S.Gupta,	Advocate for the Petitioner(s) Applicant
Versus	
Union of India & others	Respondents
Shri M.L.Verma,	Advocate for the Respondent(s)

### CORAM

The Hon'ble Mr. P.K.KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K.CHAKRAVORTY, MEMBER(A)

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? *MD*
4. Whether it needs to be circulated to other Benches of the Tribunal? *NO*

### JUDGEMENT

( JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE  
MR. D.K.CHAKRAVORTY, MEMBER(A) )

Heard the learned counsel of both parties.

2. The prayer made in this application is that the posting order dated 2.3.1990 be set aside and quashed and that the applicant be kept at his present place of posting. The respondents have cancelled the transfer order dated 2.3.1990 on 16.8.90. The learned counsel for the respondents states that with the cancellation of the transfer order, the grievance of the applicant has ceased to exist.

3. The learned counsel for the applicant states that while the grievance of the applicant has been substantially mitigated by the respondents, the question of payment of salary to the applicant for the period from 1.6.90 to 8.9.90 should be regulated and that he should be paid

*a*

6

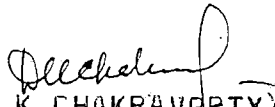
salary for this period. The learned counsel for the respondents opposes this prayer on the ground that this is not one of the reliefs sought in the present application.

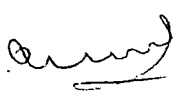
4. We have considered the rival contentions.

The learned counsel for the respondents states that the transfer order of the applicant was cancelled purely out of humanitarian considerations. Though the Tribunal did not pass any interim order on 4.6.90 when the application was listed for hearing, interim order was passed on 31.8.90 which has been continued until today. In view of this, we are of the opinion that for the period from 31.8.90 to 8.9.90 when the applicant joined duty, the applicant should be paid his salary and allowances and that period should be treated as duty for all purposes. As regards remaining period, we direct the respondents to regulate the same in accordance with the relevant rules. Applicant will be at liberty to make a representation to the respondents in this regard and the respondents may take appropriate action in accordance with the rules on such representation.

5. The application is disposed of at the admission <sup>stage</sup> itself. Consequently interim order already passed stands vacated.

There will be no order as to costs.

  
( D.K.CHAKRAVERTY )  
MEMBER

  
( P.K.KARTHA )  
VICE CHAIRMAN