

15

Central Administrative Tribunal
Principal Bench

O.A. 1858/93

New Delhi this the 26 th day of August, 1999

Hon'ble Shri S.R. Adige, Vice Chairman(A).
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Y.P. Dhingra,
Chargeman Grade-I,
Senior Quality Assurance Estt. (Electronics),
19/13, National Stadium,
New Delhi-110001.

R/o A-1/63-B, Paschim Vihar,
New Delhi. Applicant.

By Advocate Shri M.C. Dhingra.

Versus

1. Union of India,
through Secretary Defence Production,
Ministry of Defence,
South Block, DHQ P.O.,
New Delhi-110011.
2. Director (Electronics),
Director of Quality Assurance (Electronics),
Ministry of Defence,
'G' Block, DHQ PO,
New Delhi-110011.
3. Col. Q.M.U. Siddiqui,
Senior Quality Assurance Officer,
Senior Quality Assurance Estt. (Electronics),
Ministry of Defence (DGQA),
19/13, National Stadium,
New Delhi-110011. Respondents.

By Advocate Shri V.S.R. Krishna.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

With the consent of the parties this application
had been heard along with O.A. 1409/93 ~~with the consent of~~
~~the parties~~ as the parties in both the O.As are the same.

PR

In this application, the applicant is aggrieved by the action of Respondent No. 3, Col. Q.M.U. Siddiqui, who had refused to return his identity card which, according to him, was snatched by him.

2. The applicant has referred to his transfer from Delhi to Secunderabad which had been challenged in O.A. 1939/92. That transfer order was later withdrawn and hence the O.A. was also dismissed as having become infructuous on 23.12.1992. The applicant has stated that Respondent No. 3 who was Respondent 5 in that O.A. was, therefore, looking for opportunities to harm his unblemished and brilliant service records. He has also alleged that in the circumstances, Respondent 3 had also spoiled his ACR for 1992 which he had challenged in O.A. 1409/93 which by Tribunal's order of even date has been dismissed. The applicant has stated that on 6.7.1993 when he was leaving office and he was about to put his signature in the Register, Respondent 3 asked the applicant to produce his identity card which instructions he complied with, and he has alleged that after reading it, he pocketed it asking the applicant to leave the premises without even allowing him to sign in the mustering out register. He states that he went to the office on 7.7.1993 and he had requested Respondent No. 3 to return his identity card but that was refused. Then he sent telegrams on the same date about the incident, followed by letters to all the three respondents on 16.7.1993.

3. One of the main reliefs sought by the applicant in MA 536/95 was that a direction may be given to the respondents to return his identity card. The Tribunal

82

by order dated 25.5.1995 had directed the respondents to provisionally issue a duplicate identity card to enable the applicant to enter the office which the authorities have stated they have complied with.

(A)

4. Another grievance of the applicant is that a direction may be given to the respondents to pay the full pay and allowances for the entire period of his absence from duty w.e.f. 7.7.1993. The main contention of the learned counsel for the applicant is that since Respndent 3 Col. Q.M.U. Siddiqui was ^abis ed and inimical towards the applicant, he had unauthorisedly taken and retained the applicant's identity card to victimise him, for which he claims that for the period of his absence from his duty he should be paid full pay and allowances. In the circumstances, a direction has been sought in this application to the respondents to pay all the service benefits which are available to the applicant for the period of his absence from 7.7.1993.

6. The respondents in their reply have controverted the averments made by the applicant stating that it is totally false, mala fide and frivolous. They have also referred to their reply in the previous O.A. filed by the applicant (O.A.1409/93) which has been disposed of by order of even date. They have stated that the applicant was often unauthorisedly absent from duty without prior permission or leave. According to them, in July, 1993 the applicant had attended the office only on 5.7.1993 and on 6.7.93 he came to the office at 0900 hours and left the office at 10.15 hours without permission/leave. They have stated that he had been further absent from duty

18

continuously without prior permission and leave since 7.7.1993. They have submitted that the applicant has fabricated the story that he has not been allowed to enter the establishment/office. They have also denied that his absence has been compelled due to non-availability of the identity card with him but they have submitted that this has been alleged only to justify his unauthorised absence. They have also denied the fact of any harassment or victimisation of the applicant by any of the respondents. Shri V.S.R. Krishna, learned counsel for the respondents, has also submitted that all the averments of the applicant are frivolous and are denied and no such incident involving Respondent No.3 of snatching or taking the applicant's identity card had ever happened. In the circumstances the respondents have denied that the applicant is entitled to any salary for his unauthorised absence from duty from 7.7.1993.

7. Learned counsel for the applicant has also been heard in reply and we have also seen the rejoinder.

8. In O.A. 1409/93, this Bench has come to the conclusion that the allegations of bias and malice alleged by the applicant against Respondent 3, Col. Q.M.U. Siddiqui are not substantiated. In that case, the applicant had alleged that Respondent 3 had victimised him by spoiling his ACR of 1992 which has also been reiterated in the present application. The applicant has alleged that since he had filed O.A. 1409/93 in the Tribunal on 6.7.1993, Respondent No. 3 on coming to know about it, snatched his identity card and never returned it to him to enable him to attend the office. Thereafter, in pursuance of the Tribunal's order dated 25.5.1995, a duplicate Identity card

was issued to him. We note from the order of the Tribunal dated 13.7.1993 in O.A. 1409/93 that notice was issued to the respondents on admission and interim relief on that date. Therefore, the allegation of the applicant that somehow on the same date that he had filed the application dated 6.7.1993 it had come to the notice of Respondent No. 3 is not substantiated by the documents on record. In view of our findings in the other case (O.A. 1409/93) that the allegations of malice and bias against Respondent No. 3 have not been proved, we find that the same allegations of bias are also not proved by the applicant against the respondents, in particular Respondent No. 3, to warrant any interference in the matter. As he has admittedly not attended the office from 7.7.1993, he would, therefore, not be entitled to any pay and allowances or other benefits for the intervening period.

9. In the result, for the reasons given above, the O.A. fails and it is accordingly dismissed. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Memebr(J)

Adige
(S.R. Adige)
Vice Chairman(A)

'SRD'