

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1211 OF 2001
ALLAHABAD THIS THE 11 DAY OF FEBRUARY, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

Smt. Richa Gupta,
D/o Sri Yogesh Chandra Gupta,
House No.115/13,
Raje Babu Road, Bulandshahar,
posted as Cashier (Computer Operator)
Station Canteen, Bulandshahar.Applicant

(By Advocate Shri R.P.S. Yadav)

Versus

1. Secretary Ministry of Defence,
Govt. of India, New Delhi-11
2. Brigedier Commander, Head Quarter,
Meerut Sub-area, Meerut Cantt.
3. Commandant Brigedier E.B.S. Babugarh,
Cantt, District Ghaziabad.
4. Manager C.S.D. Canteen, Bulandshahar.
.....Respondents

(By Advocate Shri P. Krishna)

O R D E R

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

This O.A. has been filed under section 19 of
Administrative Tribunals Act 1985, the applicant has prayed
for a direction to respondents to allow her to join duty as
Billing Clerk at C.S.D. Canteen, Bulandshahar.

2. The facts stated are that applicant was appointed



on probation as Billing Clerk at C.S.D. Canteen in Bulandshahar on 16.12.1999. After completion of the probation period she was confirmed on the post by order dated 27.03.2000 (Annexure-2). Her pay was fixed as Rs.1750/- per month with Rs.100 as yearly increment. However, by impugned order dated 31.03.2001 applicant was relieved from duty — stating that she will not be in the roll of the Canteen with effect from 30.04.2001. The aforesaid order of termination was cancelled on 13.04.2001.

3. The grievance of the applicant is that ^{though} order has been cancelled and there is no order of termination or removal but she is not ^{being} allowed to join duty in arbitrary manner. Resisting the claim of the applicant counter affidavit has been filed. In para 9 of the counter affidavit it has been stated that applicant was offered twice for joining duty but she has not turned up. In rejoinder affidavit applicant has claimed that she wants to join duty but orally respondents asked her to give application of apology and also said that after giving apology she will be allowed to join duty. The facts remain that there is no order of termination or removal of applicant ~~against~~ ^{from} the post, the order dated 31.03.01 was cancelled by the respondents themselves, ^{and} *✓ she is entitled for relief.*

4. In the circumstances, applicant has full right to join duty and respondents cannot stop her ^{from} exercising ~~her~~ ^{her} rights. The applicant is entitled for the relief.

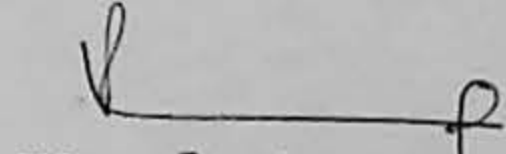
5. The O.A is accordingly, allowed. The respondents are directed to allow applicant to join the post of Billing Clerk in C.S.D., Bulandshahar for which purpose she shall present herself before respondent no.2, Sub-Area Commander, Meerut, who shall ensure that applicant is allowed to join

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her duty at C.S.D. Canteen without any hinderance and she shall be paid 50% of her backwages.

6. There will be no order as to costs.


Member-A


Vice-Chairman

/Neelam/