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RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (T.A.) No. 1410 of 1986
(Civil Suit No. 466 of 1983)

O.P. Chawla	Plaintiff-Applicant.
	Versus	
Union of India	Defendant-Respondent.

Hon'ble D.K. Agrawal, J.M.
Hon'ble K. Obayya, A.M.

(Delivered by Hon. D.K. Agrawal, J.M.)

Civil Suit No. 466 of 1983 instituted in the court of Civil Judge, Dehradun, on transfer to the Tribunal under Section 29 of the Administrative Tribunals Act, 1985 was registered as TA No. 1410 of 1986, as indicated above.

2. The plaintiff-applicant's grievance is that after his retirement on 31.5.1983 from the Forest Research Institute (FRI), Dehradun his retirement dues has not been settled. Therefore, a direction is desired to be given to the defendant-respondent for settlement of his retiral reliefs.

3. Briefly, the facts are that the applicant was appointed as Research Assistant Grade II in the FRI, Dehradun on 19.1.1949. He was relieved on 23.4.1958 to serve on deputation with the U.P. Small Industries Corporation (UPSIC), Government of U.P. He did not return to his parent department at any point of time and finally retired on 31.5.1983. In or about the year 1978 a dispute arose whereby the parent department wanted the applicant to be repatriated. It is alleged that the UPSIC did not relieve him. The allegation on behalf of the parent department is that the applicant did not want to come back to the parent department. As a consequence thereof the applicant was removed from service by an order dated 3.6.1978. The applicant contested the order of removal which resulted

Dr. Agrawal

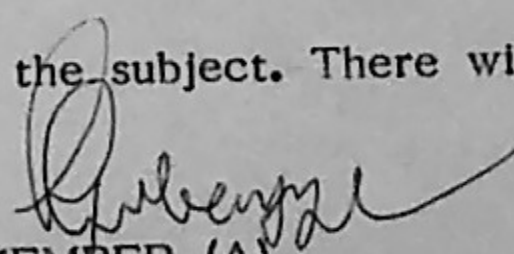
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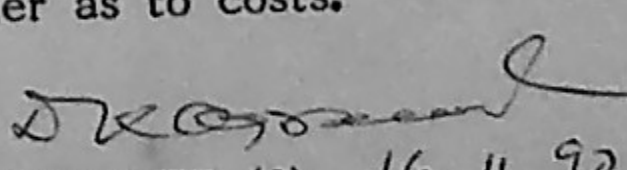
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in his favour, inasmuch as the appellate authority by an order dated 8.10.1979 set aside the order of removal. Thereafter we do not find any document on record to indicate that the parent department agitated the matter for repatriation of the applicant or terminated his lien from the parent department. With the result, the applicant continued to be on deputation till he retired on 31.5.1983.

4. In the circumstances, we are of the opinion that the applicant's lien was never terminated from his parent department. It may be also mentioned that during the period the proceedings for removal of the service of the applicant were taken or the appeal was filed challenging the order of removal or the order of the appellate authority itself whereby the order of removal was set aside, a letter was written by one of the officers of the UPSIC stating that the applicant has been absorbed. We are of the opinion that no cognizance can be taken of the said letter because if the applicant had been absorbed, the order of removal could not have been passed nor the appellate authority could have set aside the order of removal. We also do not find any order whereby the lien of the applicant from the parent department was put to an end at any point of time, as mentioned above. Consequently, there is no other option for us but to hold that the applicant would be deemed to have retired with a lien in his parent department on 31.5.1983. If so, the retiral dues are to be settled by the parent department, in accordance with rules.

5. In the result, the suit is decreed. The defendant-respondent is directed to settle the retiral dues of the applicant in consultation with the UPSIC, Government of U.P., in accordance with rules on the subject. There will be no order as to costs.


MEMBER (A)


MEMBER (J). 16.11.90

Dated: November 16th, 1990.
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