

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated : This the 5/3 day of August 2005.

Original Application No. 440 of 2000

Hon'ble Mr. D.R. Twiari, Member (A)  
Hon'ble Mr. K.B.S. Rajan, Member (J)

TaraChandra, S/o late Krishan Dwivedi,  
R/o 119/393, Darshan Purwa,  
Kanapur Nagar.

... Applicant

By Adv : Sri S. Viajy, Sri J.N. Mishra, Sri A.B.L.  
Srivastava & Sri T.C. Dwivedi

V E R S U S

1. Union of India through the Divisional Commissioner,  
Small Scale Industry, Govt. of India,  
7<sup>th</sup> Floor, k Nirman Bhawan,  
NEW DELHI.
2. The Director,  
Small Scale Industry, Govt. of India,  
Ministry of Industry,  
Govt. of India,  
107-Industrial Estate,  
Kalpi Road,  
Kanapur Nagar.
3. The Director,  
Small Industries Service Institute,  
Ministry of Industry,  
Govt. of India,  
E-17/18 Industries Estate, Naini,  
Allahabad.

...Respondents

By Adv : Sri R.K. Tiwari

O R D E R

By K.B.S. Rajan, JM

In OA 171 of 1990 was disposed of, vide order  
dated 19.07.1991, with the following directions:-

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"The impugned order dt. 31.1.1990 (Annexure No. 1) is liable to be set aside being an order passed, ignoring the request for withdrawing the notice of retirement, and accordingly it is set aside. The respondents are directed to reinstate the applicant in service with immediate effect. The applicant will be entitled to service benefits like seniority but he will be paid salary only from the date of his joining his duties. The period between 1.1.1991 and the date of his rejoicing may be settled as leave/extra ordinary leave as the case may be in accordance with law. The application is allowed as above. Parties to bear their own costs."

2. The applicant through this OA has prayed for the following reliefs: -

- (i) Issue writ mandamus directing respondents to promote as UDC since 1982 & its arrear increment grant him and further grant increment since 1990 to 1994 & its arrears.
- (ii) To pay the recovered due salary Rs. 4,631/-
- (iii) To pay salary admissible according to law from 1.5.82 to 28.7.83 & 1.2.90 to 26<sup>th</sup> July 1991.
- (iv) To pay the recovered interest Rs. 3,389/- on LTC advance.
- (v) To pay TA.DA on attending court's dates in Kanpur about 200 dates till final order dated 1.2.90 of the Kanpur Court.

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(vi) To pay due duty arrear salary since June 1992 to September 1992.

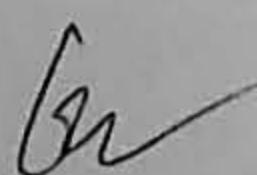
(vii) To pay due balance G.P.G. amounts.

(viii) To treat two years-6 Months- 10 days, as service period and paid his arrear salary pensionary benefits.

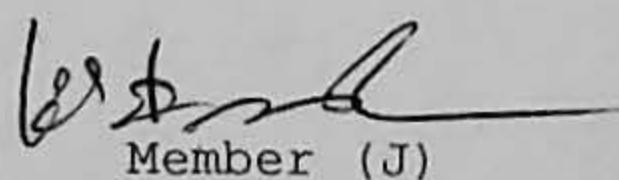
(ix) To count past services, which are/were rendered by the applicant in UP Govt's department about 1 year & 10 months."

3. At the time of final hearing the applicant had stated that he is pressing relief in respect of break in service {para 8 (viii)} and LTC advance {para 8 (iv)} As such this order deals only with the aforesaid relief(s).

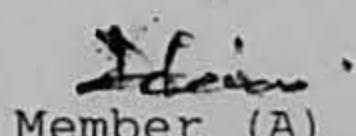
4. As regards break in service, vide paragraph 16 of the counter in reply to para 1.1 of the OA, the respondents have stated that the period of absence of the applicant has been regularized by grant of leave as per rule in compliance of the direction of this Tribunal dated 19.07.1991 passed in OA No. 171 of 1990 and no break in service is made. As such relief and paragraph 8 (viii) does not survive. It is however made clear that a suitable order containing details of leave sanctioned and formal order in regard to continuity in service without any break shall be passed by the respondents. In case of leave with pay/half average



pay, it must be ensured that the leave salary if not already paid should be paid. In addition, the applicant had vide his letter dated 08.01.1994 for counting of past service rendered in the UP Govt. has requested to take into account the service so rendered for pension purposes and the same being a part relating to qualifying service may also be considered and suitable order passed in accordance with rules. As regards LTC advance the records available in the Court file do not reflect full details and as such it is essential that the applicants makes a detailed representation and submit the same to the authorities concerned on receipt of which the respondents shall consider the same and dispose the said representation by making due payment/adjustments or by a detailed and speaking order. This drill shall be complied with within a period of three months from the date of receipt of representation from the applicant, alongwith copy of this order.



Member (J)



Member (A)

/pc/