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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 328 of 1992

Date of Decision: 28. 8. 1992

Bhaja Swain

Applicant

Versus

Union of India & Others

Respondents

For the applicant

Mr. B.N. Nayak,
Advocate

For the respondents

M/s. Ashok Mohanty,
Ganeswar Rath &
B.N. Mohanty,
Advocates

C O R A M

THE HONOURABLE MR. K.P. ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ?
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents to release the salary due to the applicant immediately with effect from January, 1991 to May, 1992 and other amount due to him such as medical reimbursement bill etc.

2. Shortly stated, the case of the applicant is that he is an employee under the Archaeological Survey of India, Bhubaneswar. He had been transferred to a place in the Ganjam District. The applicant filed application for cancellation of the transfer order. It was dismissed. A review application was filed and the review application was also dismissed. The applicant has admittedly not joined his new place of posting till now.

3. Notice was sent to the respondents to show cause as to why salary has not been disbursed.

4. I have heard Mr. B. Nayak, learned counsel for the applicant and Mr. Ganeswar Rath, learned Addl. Standing Counsel (CAT) for the respondents.

5. Mr. Ganeswar Rath submitted that the salary bills of the applicant were duly passed and the cheque was sent to his new place of posting where he had not joined and necessarily the cheques came ^{back} ~~without~~ being delivered and the cheques are ready to be delivered to the applicant. Mr. Rath submitted that the money due to the applicant on account of medical reimbursement is also ready for payment. The applicant did not join the new place of posting and therefore the cheques could not be delivered. Mr. Nayak,

learned counsel for the applicant ~~undertakes~~ to convey

to the applicant that he is at liberty to report at the Office of the Superintendent, Archaeological Survey of India, Bhubaneswar and receive the cheques now pending in the Office of the Superintendent. Mr. Nayak further submitted that the salary due upto date should be paid by the Superintendent. Admittedly, the applicant has not yet joined his new place of posting. I am not aware as to the leave due to the applicant. After the applicant joins his new place of posting (in the Ganjam District), The Superintendent will calculate the leave due to the applicant and pass necessary orders according to Rules granting leave to the applicant and pay the amount due to the applicant soon thereafter. In case, no leave ~~is~~ is due to the applicant, the period of absence will be treated as leave without pay. Mr. Nayak further undertakes to convey ^{to} the applicant that he would report in the Office of the Superintendent, Archaeological Survey of India, Bhubaneswar within a fortnight from today. Mr. Nayak submits that the applicant's G.P.F. application is pending with the Superintendent. The Superintendent would pass appropriate orders according to law.

6. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

K. S. Nayak
28/8/92
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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
August 28, 1992. Sarangi.

