

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 66/91

XXXXXX

199-

DATE OF DECISION 5-2-1991

PK George _____ Applicant (s)

Mr MR Rajendran Nair _____ Advocate for the Applicant (s)

Versus

Union of India rep. by the Respondent (s)

Secretary to the Govt. of India

Ministry of Communications, New Delhi

and others.

Mr VV Sidhardhan, ACGSC _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. To be circulated to all Benches of the Tribunal? ✗

JUDGEMENT

Mr NV Krishnan, A.M

The applicant who is an Assistant Engineer claims that he has not been permitted to join duty in Kerala Circle and therefore, he has prayed the following reliefs.

- (i) To declare that the applicant is entitled to join duty as Assistant Engineer in Kerala Circle, and to direct the respondents to get him appropriate posting order.
- (ii) To direct the respondents to pay salary and allowances to the applicant from October 1988 when the applicant wanted to join duty.
- (iii) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant, and
- (iv) Grant the cost of this Original Application.

2 Having heard the parties, we admitted the application.

3 Learned counsel for the respondents submitted at the time of admission that the applicant had deserted his duties and went abroad and it is on his return that he appears to have ~~represented~~ himself to join duty. The learned counsel for the respondents also

submitted that the applicant was transferred long back from Kerala Circle to Maharashtra Circle. The respondents also stated that they have already initiated disciplinary proceedings against the applicant.

4 In the view that we are taking of this case, we do not find it necessary to wait for the respondents' reply and hence we proceed to dispose of this application finally.

5 If disciplinary proceedings have been initiated as admitted, it is clear that the respondents are treating the applicant still as a government servant in service. That being the case, the applicant can either be on duty or leave or under suspension only. It is for this reason that the applicant prays that he should be permitted to join duty and for that purpose he seeks that necessary direction be issued to the respondents.

6 We are of the view that in the circumstances the applicant should be permitted to join duty, though the respondents should have the liberty to take any further action thereafter in accordance with law. The applicant cannot be kept out of duty except by way of suspension.

7 In this view of the matter, we direct the first respondent to issue instructions to the applicant to the address given in this application and direct him to join duties at such place as may be indicated in the instructions, ~~before 18.2.91~~. We also clarify that Respondent-1 or any other competent authority is free to deal with the applicant in accordance with law, in such manner as they may deem fit, after he resumes duty.

8 The applicant prays that he should be paid pay and allowances for the period he was kept out of duty, but not allowed. it being stated that he had reported for duty in October, 1988.

The applicant is given liberty to file an appropriate

application to the Head of the Office wherein he will be directed to report for duty and claim such salary. In that case, that authority will dispose of that application in accordance with law, either himself or ^{it} by transmitting to the competent authority.

9. The application is disposed of with the above directions.

10. Copy of the order be given to the respondents by hand.



(AV Haridasan)
Judicial Member


8/2/11

(NV Krishnan)
Administrative Member

5-2-1991