

**Central Administrative Tribunal
Lucknow Bench**

MP No.495/2009
In
OA No.77/2007

Lucknow this the 20th day of March, 2009.

Hon'ble Mr. Shanker Raju, Member (J)
Hon'ble Dr. (Mrs.) Veena Chhotray, Member (A)

Sudhir Sharma, S/o late R.K. Sharma, aged about 51 years, R/o 432/16 Kala Kankar House Scheme, Old Hyderabad, Luckonw.

-Applicant

(By Advocate Shri Rajeev Narain)

-Versus-

1. Union of India through Secretary, Ministry of Information and Broadcasting, New Delhi.
2. Prasar Bharti, Mandi House, New Delhi through its Chairman/Chief Executive Officer.
3. Director General, Prasar Bharti, Mandi House, New Delhi.
4. Director, Doordarshan Kendra, 24, Ashok Marg, Lucknow.
5. Dy. Director, Door Darshan Kendra, 24, Ashok Marg, Lucknow.

-Respondents

(By Advocate Shri Y. Kesharwani)

O R D E R (ORAL)

Mr. Shanker Raju, Member (J):

Heard the parties.

2. The short issue involved in this case is that in compliance of the directions of the Tribunal by the respondents in OA-154/2003 the period of absence was treated as extraordinary leave, causing break in service, except for qualifying service. Learned counsel of applicant submits that before doing so no show cause notice has

been issued to the applicant, which is in violation of FR-17 A as well as the decision of the Apex Court in **Sahara India, Lucknow v. C.I.T.**, 2008 (3) AJW 847, as civil consequences have been ensued upon applicant.

3. Insofar as the order passed in contempt, the above aspect of the matter has not been finally concluded between the parties and not being original proceedings, res judicata will not come in the way.

4. Accordingly, OA is partly allowed. Impugned order is set aside. Respondents are directed, on a show cause notice, to decide the aforesaid period within a period of 3 months from the date of receipt of a copy of this order. No costs.

Chhotray
(Dr. Veena Chhotray)
Member (A)

S. Raju
(Shanker Raju)
Member (J)

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