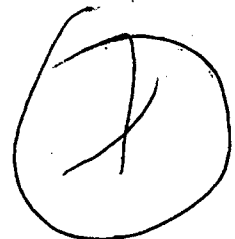


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH



O.A. NO: 425/88

199

T.A. NO:

DATE OF DECISION 11.2.1992

SHRI KRISHNA KUMAR GUPTA
AND ANOTHER

Petitioner

MR.H.J.ACHARYA

Advocate for the Petitioners

Versus

THE UNION OF INDIA and ors.

Respondent

MR A.L.KASTURE

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. JUSTICE U.C.SRIVASTAVA, Vice-Chairman

The Hon'ble Mr. M.Y.PRIOLKAR, MEMBER (A)

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. Whether it needs to be circulated to other Benches of the Tribunal ?

mbm


(U.C.SRIVASTAVA)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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ORIGINAL APPLICATION NO.425/88

Shri Krishna Kumar Gupta
and another

.... applicants

V/s

The Union of India
and another

.... respondents

CORAM : HON^{BLE} JUSTICE MR. U.C.SRIVASTAVA, Vice-Chairman

HON^{BLE} MEMBER MR. M.Y.PRIOLKAR, MEMBER (A)

Appearance :

Mr.H.J.Acharya, Adv.
for the applicant

MR.A.L.Kasture, Adv.
for the respondents.

ORAL JUDGEMENT

11 TH FEB 1992

(PER : U.C.SRIVASTAVA, Vice-Chairman)

The applicants No.1 and 2 were employed as Radiographer and Asstt. Matron respectively at J.R.Hospital, Bombay Central, Bombay. They were allowed to go on deputation to Islamic Republic of Iran, by the department which also relieved them. After their return, as per their allegation, they were reported for duty on 5.11.1984, but they were not allowed to resume the duties on the ground that unless the reply is received from the Head quarter which has sent them on deputation to whom the matter was ~~been~~ referred, they will not be allowed to join the duty. They were allowed to join the duties at the latter stage. That is why they are claiming wages for the period from 5.11.1984 to 18.12.1984 in this OA filed before Tribunal. The application filed by the applicant No.1 has already been rejected by this Tribunal on the ground that he has claim

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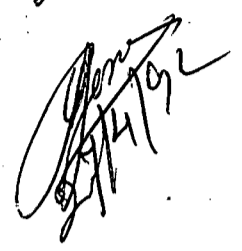
multiple remedies and this application is now confined to the applicant No.2. According to the applicant No.2 she has been reporting herself for duty but of-course latter her attendance neither was recorded nor was she allowed to resume duties. The respondents have challenged the claim of the applicant and have stated that she was overstaying on leave. This assertion has been denied by the applicant, that is why the disciplinary proceedings against the applicant have taken place. There is no denial of the facts that these proceedings were subsequently withdrawn.

2. As the applicants were sent by the department with the permission of the department on deputation, it was the duty of the respondents immediately ^{to} allow her to join the duty when she came back from Iran. She could have been allowed to join the duties without prejudice even if the matter was referred to by the Head Quarter or no intimation was received from the Headquarter. The Headquarter should have been informed as it was at local level that both the applicants No.1 and No.2 were sent on deputation to Iran and their deputation term is coming to an end and they should be allowed to join the duties. Sending this information was obligatory and it seems that the same was not sent to the Hospital at Bombay. Accordingly, for no fault of the applicant, she was not allowed to resume her duty and was allowed to resume the duties after receipt of communication from the Headquarter. As the applicant is entitled to the salary since, she reported for duty after she returned from deputation and wanted to resume the duties, but was prevented by the Hospital Authority themselves at Bombay, and as such her application is allowed.

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Dated: 11.12.92. M.P. No. 960/92

11/2/92
order/Judgment despatched
to Applicant/Respondent(s)
on 20.4.92



M.P. No. 960/92 for
direction to Respondents,
filed on 11.12.92
pages 18/11

Shri H.T. Acharya for the
applicant.

The prayer in this application
is that the respondents may be directed
to pay to the applicant the salary
for the period beginning from
6.11.84 and ending on 18.12.84

In pursuance of the order passed
by this Tribunal on 11.2.92 in OA No.
425/88.

It is true that this Tribunal while
passing the order did not set any time
limit for making the payment. However,
the payment should have been made
within a time limit.

We now direct the respondents
to comply with the order passed by
this Tribunal on 11.02.92 and make
the necessary payment to applicant
No. 2. within a period of three months
from the date of communication of a
certified copy of this order by the
applicant before the relevant
authority.

The applicant is permitted to
transmit a certified copy of this
order to the relevant authority
under Regd. Post A.D.

With these directions M.P. is
disposed of.

In favour

(Ms. Usha Saraya)
M(A)

(S. ...)

11/12/92
order/Judgment despatched
to Applicant/Respondent(s)
on 15/12/92

