

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE.

DATED THIS THE NINTH DAY OF DECEMBER, 1986.

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and

Hon'ble Shri L.H.A. Rego, Member (Admn.)

Application No. 1963 of 1986 (F)

Between:

Shri C.S. Anirudhan,  
Drilling Assistant,  
AMSE Wing,  
Geological Survey of India,  
Bangalore-1. ....Applicant.

(Dr. M.S. Nagaraja, Advocate)

and

The Senior Deputy Director General,  
AMSE,  
Geological Survey of India,  
No.2, Church Street, Prestige Complex,  
Bangalore-1. ....Respondent.

(Shri M.S. Padmarajaiah, C.G.S.C.)

This application having come up for hearing today  
before this Tribunal, Hon'ble Shri Justice K.S. Puttaswamy,  
Vice-Chairman, made the following:

ORDER


This application was posted for admission on  
5.12.1986, on which day, at our direction, Shri M.S.  
Padmarajaiah, learned Senior Central Government Standing  
Counsel, took notice for the respondent. As agreed to by

both sides, we have treated this application as listed for final hearing today and heard the same.

2. In this application made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act'), the applicant has sought for a direction to the respondent to take him to duty w.e.f. 6.10.1986 and arrange for payment of the emoluments due thereon on and from that date.

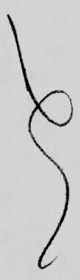
3. Prior to 18.8.1983, the applicant was working as a Drilling Assistant in the Office of the Senior Deputy Director General, AMSE, Geological Survey of India, Bangalore ('the Director') - the respondent. On 17.8.1983, the applicant applied for leave on medical grounds from 18.8.1983 to 18.2.1984 and overstayed from 18.2.1984 at any rate till 5.10.1986. He claims that he reported for duty on 6.10.1986, but the Director had refused to take him to duty and assign him work. Hence this application.

4. Dr. M.S. Nagaraj, learned counsel for the applicant, contends that whatever be the lapses of his client for the period from 18.8.1983 to 5.10.1986, the Director was bound to take him to duty in terms of Rule 25 of CCS(Leave) Rules, 1965, and the instructions issued by the Government of India thereunder, and then regulate the matters in accordance with law.



5. Shri Padmarajaiah contends that everyone of the facts and circumstances do not justify this Tribunal to direct the Director to take the applicant to duty and regulate the matters thereafter. But Shri Padmarajaiah, in our opinion, very rightly, submits that the Director will initiate necessary disciplinary proceedings and complete the same in accordance with law.

6. While the applicant has his own story to state on his long absence from service, the respondent has his own case to urge. We are of the view that this is not the proper stage for us to notice all of them, much less, pronounce on all of them. We, therefore, leave open them at this stage. But, notwithstanding the same, we are of the view that we should direct the Director to initiate disciplinary proceedings and complete the same with expedition, but without a direction to take the applicant to duty. We are of the view that a direction to take the applicant to duty is not in consonance with the principles of fair play and justice, notwithstanding that Dr. Nagaraj is technically right in his submissions. For these very reasons, we are of the view that before the enquiry is completed and orders are made, we should also not direct the Director either to place the applicant under suspension or to make payment of salary as if he had reported for duty from 6.10.1986.



7. In the light of our above discussion, we make the following orders and directions:

(1) We direct the Director - the respondent - to issue the necessary Articles of Charge and Statement of Imputations under the CCS (Leave) Rules, 1965, to the applicant within one month from this day, and then complete the same in accordance with Rules within six months from this day. But if the Director does not issue the Articles of Charge and Statement of Imputations within one month from this day, then the Director shall restore the applicant to duty and deal with his case in accordance with law.

8. Application is disposed of in the above terms. But in the circumstances of the case, each party to bear their own costs.

9. Let this order be communicated to the respondent within three days from today.

*[Signature]*  
VICE CHAIRMAN

*[Signature]*  
MEMBER. (A) *[Signature]* 7.12.86

dms.