

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: **27 OCT 1994**

APPLICATION NO: 1050 of 1994.

APPLICANTS:- Ravindra Kumar Jain,
V/S.

RESPONDENTS:- Secretary, Ministry of Labour, N Delhi and
three Others.

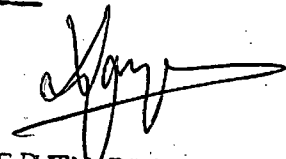
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1. Sri.R.B.Menon, Advocate,
No.1, 20th Cross,
Chinmaya Mission Hospital Road,
Lakshmipuram, Ulsoor, Bangalore-560008.
2. Sri.G.Shanthappa, Additional Central
Govt.Stng.Counsel, High Court Bldg,
Bangalore-560001.
3. Sri.M.Vasudeva Rao, Additional Central
Govt.Stng.Counsel, High Court Bldg,
Bangalore-560 001.
4. Mr.K.K.Mehrotra,
Senior Superintendent,
Vocational Rehabilitation Centre for
Handicapped, No.22, Hosur Road,
Bangalore-560 029.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 21st October, 1994.

Issued on
27/10/94
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for 
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 1050 OF 1994

FRIDAY, THIS THE 21ST DAY OF OCTOBER, 1994.

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

Mr. T.V. Ramanan, Member(A)

Ravindra Kumar Jain,
S/o late Shri A.R. Jain,
Aged about 38 years,
Vocational Instructor
(Printing and Book Binding)
Vocational Rehabilitation Centre for Handicapped,
No. 22, Hosur Road, Bangalore-560 029. .. Applicant.

(By Advocate Shri R.B. Menon)

v.

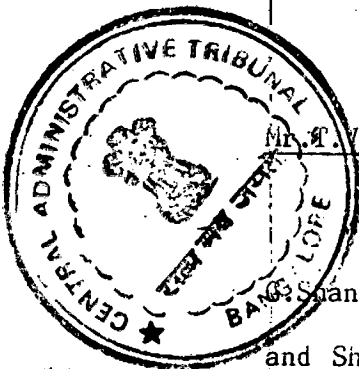
1. Union of India,
represented by the Secretary,
Ministry of Labour,
No. 2 & 4 Rafi Marg,
Sham Shakthi Bhavan,
New Delhi-110 001.
2. Mr. Harikrishnan,
Director of Employment & Exchanges,
(D.G.E.&T), 3/10, Jam Nagar House,
Shah Jagan Road, (Near UPSC),
New Delhi-110 011.
3. Mr. K.K. Mehrotra,
Senior Superintendent,
Vocational Rehabilitation Centre for
Handicapped, No. 22, Hosur Road,
Bangalore-560 029.
4. The Director,
Central Instructional Media Institute
Director General of Employment & Training
Ministry of Labour,
Government of India, Guindy,
Madras-600 032. .. Respondents.

(By Standing Counsel Shri G. Shantappa for R1 to R3
& Standing Counsel Shri M. Vasudeva Rao for R4)

ORDER

Mr. T.V. Ramanan, Member(A):-

We have heard the learned counsel for the applicant, Shri
G. Shantappa, learned Standing Counsel for respondents 1 to 3
and Shri M.V. Vasudeva Rao, learned Standing Counsel for respon-



Admit.

dent-4./ We allow M.A.No.379 of 1994 for amendment in the original application. The applicant to incorporate the amendment allowed in the original application. We allow M.A.No.380/94 for filing additional documents and allow the documents filed to remain on record.

2. In this case the applicant who is working as Vocational Instructor (Printing and Book Binding) in the Vocational Rehabilitation Centre for Handicapped, Bangalore ('Centre' for short) headed by respondent-3 applied in response to an advertisement issued by the Central Instructional Media Institute under the Directorate of Employment and Training, Ministry of Labour, Government of India, Madras ('Institute' for short) headed by respondent-4 for the post of Senior Technical Assistant by transfer on deputation. The application of the applicant had been sent through the proper channel. It so happened that the applicant was selected by respondent-4 for the post of Senior Technical Assistant in the Institute. By Memorandum dated 15-3-1994 (Annexure-A2) respondent-4 issued an offer of appointment to the applicant for the post of Senior Technical Assistant. It is seen therefrom that initially the period of deputation would be for one year from the date of his joining the said Institute, but the term of deputation can be extended upto 2 years. After receipt of the aforesaid communication respondent-3, head of the Centre in which the applicant is presently working, issued an office order on the 24th of March, 1994, which is reproduced below:-

"No.VRC/A.20023(6)/1/82/83

Dated 24th March 1994.

OFFICE ORDER

Sub: Offer of appointment issued to Sri R.K.Jain, Vocational Instructor (Printing & Book Binding) to the post of Senior Technical Assistant at C.I.M.I., Madras - reg.

Ref: 1. Memorandum No.CIMI/MS/A.20048/93/2282 dated 15.3.1994.

2. Acceptance letter dated 21-2-1994 of Sri R.K.Jain, Vocational Instructor (Printing & Book Binding).

Consequent on receipt of the copy of the Memorandum, referred above from the Director, Central Instructional Media Institute, Guindy, Madras offering Sri R.K.Jain, Vocational Instructor (Printing & Book Binding) of this Centre the post of Senior Technical Assistant on transfer on deputation at Central Instructional Media Institute, Guindy, Madras, it is proposed to relieve Sri R.K.Jain, Vocational Instructor on receipt of No Due certificate from all the sections.

Sri R.K.Jain, V.I. is hereby directed to handover all, the materials, tools and equipments of his section to Sri Yousuff, Vocational Instructor (Wood Working) who will be taking over additional charge of the post of Vocational Instructor (Printing & Book Binding) on relief of Sri R.K. Jain.

Sd/- K.K.Mehrotra,
Senior Superintendent."

A perusal of the above office order at Annexure-A5 reveals that as a prelude to relieving the applicant from his post in the Centre at Bangalore to join the post offered to him by the Institute at Madras, the applicant was required to hand over all materials, tools and equipments of his section to Sri Yousuff, another Vocational Instructor working in the Centre who was required to take over additional charge of the post presently held by the applicant. According to the applicant he had handed over all the materials etc. etc. to Sri Yousuff, but receipt for having received all the materials from the applicant was yet to be signed and given to him by Sri Yousuff because Sri Yousuff was under the orders of respondent-3 not to grant the said receipt to the applicant unless and until a direction was received from Delhi for the applicant being relieved from the Centre and as a consequence he has not been relieved from the Centre to take over the job offered to him by the Institute.

The reply statement filed by respondents 1 to 3 indicate that



the applicant is not to be relieved to take up the new post at Madras on the basis of directions received from the Ministry of Labour and Employment, New Delhi. We were shown a letter dated 8-7-1994 addressed to respondent-3 by the Section Officer in the Government of India, Ministry of Labour (D.G.E. & T). The aforesaid letter reads as follows:-

"DGET.A-21021/7/94-EE-II
Government of India
Ministry of Labour
D.G.E. & T.

To 14/11, Jam Nagar House,
New Delhi, Dt.8-7-1994.

The Sr. Superintendent,
V.R.C. for Handicapped,
Bangalore.

Sub: Selection of Shri R.K.Jain, Vocational
Instructor (Printing and Book Binding)
as Senior Technical Assistant at CIMI,
Madras - relieving thereof.

Sir,

I am directed to refer to your letter No.VRC/A-20023(6)/1/82/537 dated 27-4-1994 on the subject cited above, and to say that in view of the proposed enquiry in the printing lead theft case, it is not desirable to relieve Shri R.K.Jain, V.I.(Printing and Book Binding) to join as Senior Technical Assistant at CIMI, Madras.

2. We have separately sent a copy of the enquiry report submitted by Shri R.G.Sahu, ex-Section Officer. You are, therefore, advised to take immediate appropriate action to conduct the enquiry and ifx responsibility for loss of printing lead at VRC, Bangalore. The report in the matter may kindly be submitted immediately for further processing at the Headquarter.

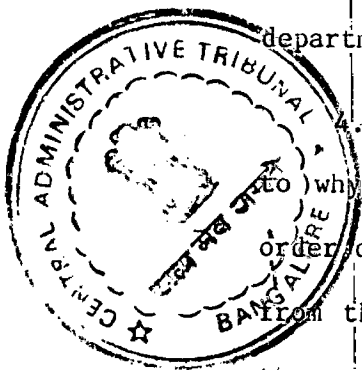
Yours faithfully,

Sd/- (Prata Goel)
Section Officer,

for Director of Employment Exchanges."

3. We have also perused the inquiry report submitted by Sri R.G.Sahu to which there is a reference in the letter dated 8-7-1994. The sum and substance of that report shows that quite some years ago, the applicant had lodged complaints about the loss of printing lead from the Centre and respondent-3 was required to take immediate appropriate action to conduct an

inquiry to fix responsibility for the loss of printing lead at the Centre at Bangalore. In response to the letter so received, respondent-3 had sent a reply dated 19-8-1994 in which a reference is made to another letter of respondent addressed to the Ministry of Labour on 12-7-1994. A perusal of the office copy of the letter dated 12-7-1994 shows that respondent-3 finds it difficult to fix up responsibility on any one at this stage and that he has recommended for writing off of the loss of the printing lead which occurred in 1987 and 1988. A perusal of the departmental file of respondent-3 also shows that respondent-3 has been asked by the Ministry to justify fully the proposal for writing off of the loss of the lead. All this shows that the submission made in the reply that an inquiry is going to be ordered against the applicant in regard to the loss of lead does not seem to be correct. In fact, the learned Standing Counsel for respondents 1 to 3 admits that no inquiry has been initiated against the applicant so far. Even otherwise a perusal of the relevant file produced before us shows that there is no proposal to initiate inquiry proceedings against the applicant. If what we find from the file about the action that has been initiated to write off the loss of the lead is going to be accepted by the authorities concerned and the loss of the lead written off finally by the Government, there can be no departmental action against the applicant.



In view of the foregoing there is no valid reason as to why respondent should demur, after having issued the office order dated 24-3-1994 (Annexure-A5) and not relieve the applicant from the Centre. In fact, if the applicant has handed over all the materials, tools etc. of his section as directed in the aforesaid order to Sri Yousuff, then nothing remains to be done

by respondent-3 except for issuing an order relieving him. Learned Standing Counsel for respondents 1 to 3 however submits that handing over and taking over of the materials, tools, equipments etc. is not over and it is yet to be done. Be that as it may, we do not approve of the suggestion contained in para 1 of the letter dated 8-7-1994 referred to supra that it may not be desirable to relieve the applicant to join as Senior Technical Assistant at the Institute because of a proposed enquiry against him. This is so because, as seen from the documents, there is no basis whatsoever, which is current, to proceed against the applicant in departmental proceedings. Therefore, there is no justification not to relieve the applicant from the Centre at Bangalore so that he could take up his new assignment at the Institute at Madras on deputation.

5. We, therefore, accept this application and direct respondent-3 to issue an order relieving the applicant from the Centre after the formalities of handing over and taking over charge of the post presently held by the applicant, in terms of the office order dated 24-3-1994, are completed. If, as alleged by the applicant, Sri Yousuff has already taken charge of the materials, tools, equipments etc. Shri Yousuff should be asked immediately to give acquittance for having received the articles handed over by the applicant. The relieving order as directed above shall be issued within a period of 15 days from the date of this order. There will be no order as to costs.



TRUE COPY

Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore np/

MEMBER(A)

VICE-CHAIRMAN.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 22 NOV 1994

APPLICATION NO: MA 509/94

APPLICANTS:- Under Secretary (in O A 1050/94.)
M/o Labour, New Belth & 301.
V/S.

RESPONDENTS:- Ravindra Kumar Jain.

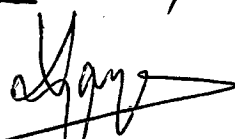
1. Shri. G. Shantappa
Addl. C.G.S.E.
High Court Bldg.
Bangalore - 1.
2. Shri. P.B. Raju.
Advocate
No. 1, 20th Cross,
C.M.H. Road,
Lakshminiparam,
Ulsoor, Bangalore - 560008

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.
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Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above
mentioned application(s) on 17th November 1994

Issued on

22/11/94


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

MA 509/194 - For extension of time

Application No. 1050 of 1994.

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		<p>(PKS) ve / (V.P.) MA</p> <p>17.11.1994.</p> <p>Heard. No further extension.</p> <p>M.A. 509/94 is</p> <p>referred.</p> <p>Sd/- W M(PH)</p> <p>Sd/- ve.</p>



TRUE COPY

[Signature]
22/11/94
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

CONTEMPT PETITION NO. 71/94

OA 1050/94

FRIDAY, THE SIXTH DAY OF JANURAY, 1995

SHRI V.RAMAKRISHNAN.

...MEMBER (A)

SHRI A.N.VUJJANARADHYA.

...MEMBER (J)

Ravindra Kumar Jain,
S/o late Sri A.R.Jain,
aged about 38 years,
Vocational Instructor,
(Printing & Book Binding)
Vocational Rehabilitation Centre,
for Handicapped,
No.22, Hosur Road,
Bangalore-560 029.

...Complainant

By Shri R.B.Menon - Advocate

Versus

1. Union of India
Represented by Mr. S.Gopalan,
Secretary, Ministry of Labour,
No.2 & 4, Rafi Marg,
Sham Shakthi Bhavan,
New Delhi-110 001.
2. Mr. Harikishan,
Director of Employment &
Exchanges (DGE&T),
3/10 Jam Nagar House,
Shahjahan Road (Near UFSC),
New Delhi-110 011.
3. Mr. K.K.Mehrotra,
Senior Superintendent,
Vocational Rehabilitation Centre
for Handicapped,
No.22, Hosur Road,
Bangalore-560 029.
4. Mr. A.K.Mitra,
Director, Central Instructional
Media Institute,
Director General of Employment
and Training, Ministry of Labour,
Government of India,
Guindy, Madras-600 032.

...Respondents

By Advocate Shri G.Shantappa, A.C.G.S.C.

O R D E R

SHRI V. RAMAKRISHNAN, MEMBER (A)

Neither the complainant nor his counsel is present. We have heard Shri G. Shantappa for the alleged contemnors. Shri Shantappa makes available to us a copy of the office order dated 22.11.94, where the complainant has been relieved from Bangalore in order to report as Senior Technical Assistant, CIMI, Madras. Shri Shantappa further informs that the complainant after having been so relieved has reported at CIMI, Madras.

2. The direction of this Tribunal was that the respondents should issue relieving order within 15 days from the date of the order, which was passed on 21st October, 1994. The department has taken about a month to implement the directions of this Tribunal instead of 15 days. We notice that a copy of the order was issued on 27th October, 1994. In view of the position as brought out by Shri Shantappa that the complainant was relieved within a month from the date of the order and as the complainant's absence indicates that he is not interested in pursuing this case, we deem it proper to drop the contempt proceedings. We accordingly drop the contempt proceedings and discharge the alleged contemnors

Sd/-
(S. L. VUDGALAKRISHNA)
MEMBER (B)

Sd/-
(V. RAMAKRISHNAN)
MEMBER (A)

TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore