

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 06/12/94

APPLICATION NO: 1323 of 1994.

APPLICANTS:- Ananda Lakshmi Devi.T,
V/S.

RESPONDENTS:- Chairman, Telecom Commission, N Delhi & Ors.

T.

- ① Sri. B. Veerabhadra, Advocate, No. 126/2,
6th Cross, Kadisappa Road, Doddigunta Cox town,
Bangalore-560005.
- ② Sri. H. Vasudeva Rao, Addl. CGSC,
High Court Bldg, Bangalore-560001.

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 29 NOV 94

For DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.1323/94

TUESDAY THIS THE TWENTY NINTH DAY ~~OF~~ NOVEMBER, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

Ananda Lakshmi Devi, T.,
aged about 25 years,
U.D.C. Computer Manual Section,
Income Tax Department,
No.2, Queen's Road,
Bangalore - 560 001

Applicant

(By Advocate Shri B. Veerabhadra)

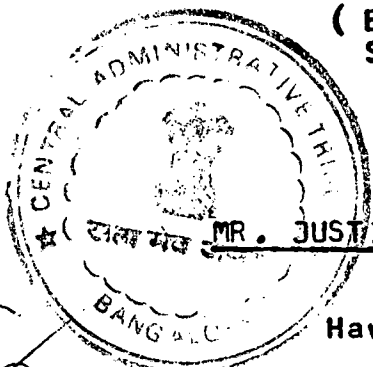
v.

1. The Union of India,
Ministry of Communications,
represented by its Chairman,
Telecom Commission,
No.20, Ashoka Road,
New Delhi - 110 001
2. The Chief General Manager,
Telecom Karnataka Circle,
No.1, Old Madras Road,
Bangalore - 8
3. The Superintending Engineer,
Telecom Civil Circle,
No.30/1, Cunningham Road,
Bangalore - 52
4. The Executive Engineer,
Telecom Civil Division-I,
Pushkar Bhavan,
No.9, Infantry Road,
Bangalore - 560 001

Respondents

(By learned Standing Counsel)
Shri M.V. Rao

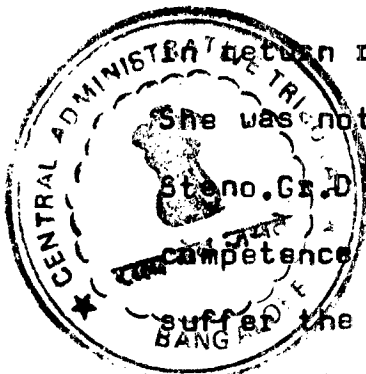
ORDER



MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Having heard the learned counsel for the
applicant and also the learned Standing Counsel
for the respondents, I think it appropriate

to direct the applicant to make a representation to the Chief General Manager, Telecom Karnataka Circle urging that the Department cannot deny the benefit of higher salary drawn by the applicant while she worked in the higher post of Stenographer Gr.D which according to the Department has now become vulnerable because the order of promotion is stated to have been made by someone who was not strictly competent to make such an order. Be that as it may, it will be open to the applicant to make a suitable representation in that behalf and on the basis of the same, the Chief General Manager will consider the demand for repatriation of the amount unwittingly returned by the applicant representing the amount of salary she draw while officiating in the higher post of Steno.Gr.D which she returned pursuant to the orders of the Department which is dubbed as invalid. The Department will bear in mind that the official did work as Steno.Gr.D and discharged the duties and responsibilities of that post and when received a salary due to that office. She was not responsible for her posting as a Steno.Gr.D and if somebody who did not have the competence made that order she cannot be made to suffer the consequences. The Department cannot make an innocent official suffer who simply abided by the orders of the Department. I think it is really just and proper for the Department to repatriate the amount of Rs.7,800/- returned by the applicant. I do hope the Department will



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take an appropriate decision in this behalf bearing in mind the observations made herein. The applicant will make the necessary representation within one month from today and on receipt of such a representation, the Chief General Manager, Karnataka Circle will dispose of the same within a month thereafter. With these observations, this application stands disposed of finally with no order as to costs.



VICE CHAIRMAN

TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

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