

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: 27 APR 1995

APPLICATION NO. 2041 of 1994.

APPLICANTS: P. Issac,

V/S.

RESPONDENTS: The Development Commissioner (Handicrafts),
M/o. Textiles, New Delhi and two others.

To

1. ~~xxx~~ Sri.G.Manivannan, Advocate,
No.354, 5th Cross, BTS Road,
Wilson Garden, Bangalore-27.
2. Sri.M.S.Padmarajaiah, Senior
Central Government Standing
Counsel, High Court Building
Bangalore-560 001.
3. The Development Commissioner (Handicrafts),
Ministry of Textiles, Govt. of India,
West Block No.7, Ramakrishnapuram,
New Delhi-110 066.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-36.

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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 Tenth April, 1995.

Issued on
27/04/95
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DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.2041/94

MONDAY THIS THE TENTH DAY OF APRIL, 1995

MR. JUSTICE P.K.SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN

MEMBER(A)

P. Isac,
Working as Peon in the
Office of the Development
Commissioner(Handicrafts),
Regional Design and Technical
Development Centre,
No.32, Victoria Road,
Bangalore- 560047

Applicant

(By Advocate Shri G. Manivannan)

v.

1. The Development Commissioner,
(Handicrafts),
Ministry of Textiles
Government of India,
West Block No.7,
R.K. Puram,
New Delhi 110066

2. The Director(SR),
Office of the Development
Commissioner (Handicrafts),
Shakti Bhavan,
Madras-600006

3. The Deputy Director,
Office of the Development
Commissioner (Handicrafts),
Regional Design and Technical
Development Centre,
No.32, Victoria Road,
Bangalore-560047

Respondents

(By learned Standing Counsel)
Shri M.S. Padmarajiah

ORDLE

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

We have heard both sides at the stage of
admission. Pleadings being complete, we, therefore,
think it appropriate to dispose of the application at the
admission stage itself.



2. The claim herein is for draws of unpaid salary and allowances during a particular period i.e. from 16.4.87 to 7.9.90 on the ground that the applicant was entitled to get such salary consequent on his reinstatement in government service after an order dismissing him from service for having remained absent unauthorisedly had been set aside.

3. It is not in dispute that for the period mentioned above, he was not paid any salary and government. With a view to ascertain the tenability of his claim, had issued an endorsement to the applicant as per Annexure A-5 asking him to furnish necessary details as how he had occupied himself during that particular period i.e. whether he earned any income and more particularly in view of the fact that he was found engaged at Oman to which place it appears he had gone in search of a living. As a matter of fact, he had gone to Oman in search of a job and he was there to earn a living for his family is fact highlighted by the applicant in his representation at Annexure A-7. In this connection, we invite attention to para 9 at Annexure A-6 which reads:

"During the period between 16.4.87 to 7.9.90 when I was out of government service, to maintain myself and my family and to make out living here and there, my wife and I had to find a job at Oman and all my travel cost and other expenses were borne by him. I was there from 19.10.88 to 15.9.90."

4. The above makes it very clear that the applicant was really engaged in earning a livelihood and it was for that period the applicant is entitled to draw of salary and other emoluments. It is not correct to the

applicant reads the said representation at Annexure A-6 as conveying the meaning that during the period of his employment at Oman, the applicant had not been paid any salary by those who had given him employment. We cannot read it at that way and if we do, it would be clearly a case of misreading a coy statement found in the application.

5. What becomes obvious is that the man was apparently employed during his absence from India and all that Government wanted was information about his earnings during the aforesaid period so that his absence may be regularised in accordance with law.

6. The applicant is totally remiss in not furnishing the aforesaid information and on the other hand had been simply harping on his absence from India and the fact that he went out in search for a living at the same time carefully screening what he did abroad and how much ~~on~~ ~~whether~~ he had earned abroad. It will be difficult for anyone to accept the statement of learned counsel for the applicant that his client had gone abroad where he survived with bread and ~~butter~~ ^{beef}. We are sure that he would not have been content only with that. According to his own statement he had gone abroad to earn a livelihood for his family. In the circumstances, if the applicant is still keen on his claim for payment of salary and other emoluments during the period of his absence from India, he should furnish a full statement of what he did during that period, with whom he worked and how much he earned etc. etc. If he furnishes the necessary information, we are sure, the Government of India will do

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the needful in regard to his claim for non-payment of arrears for the relevant period. With these observations, we dismiss this application giving leave to the applicant to approach the Government of India with an appropriate representation furnishing details of how he had occupied himself during that period and also giving information i.e. with whom he had been employed and whose recommendation he had received for such employment, etc. He costs. Send a copy of this order to S-1 for information and necessary compliance. If the above information is furnished to S-1 within one month from the date of receipt of a copy of this order, he will pass necessary orders within three months thereof. We place on record the objection statement filed today on behalf of the Government.

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Sd/-

Sd/-

RECEIVED

[Signature]
27/4/95
Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore