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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

Wednesday THE *Thirty first* DAY OF *May*
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HON'BLE MR. BN. JAYA SIMHA : VICE CHAIRMAN

AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (JUDL.)

and
The Hon'ble Mr. D.K. Chakraverty : Member (Admin)

ORIGINAL APPLICATION NO. 112 OF 1989

BETWEEN:-

M.V. Rajaiah ✓

✓
..Applicant

A N D

- 1) The Secretary Dept. of Non Conventional Energy Sources
Ministry of Energy, C.E.O Complex, Block No 14, Lodi Road,
New Delhi. ✓
- 2) principal Scientific Officer, Dept. of Non-Conventional
Energy Sources, H No. 1-11-222/6/D. Gowrisadan,
Begumpet, Hyderabad. ✓
- 3) Govt. of A.P. rep by its Commissioner and Director of
Agriculture, Hyderabad. ✓

...Respondents

Up to
JB

ORIGINAL APPLICATION NO.412/1989

(ORDERS OF THE TRIBUNAL DICTATED BY HON'BLE MEMBER
(JUDICIAL) SHRI D. SURYA RAO)

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This application had come up for admission on 30-5-1989 and we had given notice to enable the Standing Counsel for the Respondents to obtain instructions. It has, therefore, come up for admission today.

2. The applicant herein seeks to question Order No.ROH/01(39)/86-87/3971 dated 4-5-1989 passed by the Principal Scientific Officer (Respondent no.2) which reads as follows :-

"Sub: Deputation of Shri M.V.Rajaiah, A.E. to Dept. of Non-conventional Energy Sources--
Reg.

Ref: L.No.Engg/(5)/853/89 dated 17-4-89.

Vide the above reference, the Commissioner and Director of Agriculture, Andhra Pradesh has requested for advance intimation before relieving Shri M.V. Rajaiah from DNES. Accordingly the Commissioner and Director of Agriculture, Andhra Pradesh was informed that Shri M.V.Rajaiah will be relieved on 31-5-1989 afternoon. This is for your information.

He is also directed to hand over the following items before 31-5-1989 to Sri T.C.S. Rao, LDC and get No-due Certificate from him.

1. CGHS Card
2. Identity Card
3. Brief Case
4. Steel Tape
5. Any other items taken by him from the office."

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The grievance of the applicant is that the second respondent is seeking to repatriate the applicant with mala fide intention, back to his parent department, since the applicant had given a loan to the second respondent and when he demanded back the loan amount, the latter is resorting to this course of repatriating him. It is further stated that earlier on 12-4-1989, the applicant was sought to be relieved and when he protested the same was cancelled by the respondents by an order dated 1-5-1989. Thereafter, the impugned order dated 4-5-1989 (extracted above) was passed. The applicant had submitted a representation to the first respondent on 16-5-1989. It is contended that the second respondent has no jurisdiction to repatriate the applicant without the approval of the first respondent and in the instant case, no such approval has been taken. It is further stated that ~~xxx~~ it is the duty of the first and second respondent to settle all dues relating to surrender leave, leave salary and pension contributions, LTC, increments etc. before repatriating him. In view thereof, the applicant seeks setting aside of the impugned order and also a direction to the respondents to settle all his dues ~~xx~~ before repatriating him.

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3. We have heard the learned counsel for the applicant and Shri N. Bhaskara Rao, learned standing counsel for the Respondents. ~~xx~~ The main contention of the applicant is that the second respondent with mala fide intention seeking to repatriate the applicant to his parent department without the knowledge of consent of the first respondent. Since the applicant's services were placed at the disposal of the first respondent by the State Government, it would not be proper or valid to repatriate him without the orders of the first respondent. We have called for the record in this regard and we find that there is a letter No.2/4/84-Adm.I/R&M dated 17-5-1989 of the Government of India wherein it has been ordered by the first respondent that the applicant will be relieved of his duties w.e.f. 31-5-1989. In the same letter, the third respondent, Commissioner & Director of Agriculture, Hyderabad, was requested ^{that} ~~to~~ posting may be arranged for the applicant on repatriation. A copy of the said letter was duly marked to the second respondent. This order has been issued with reference to an earlier order dated ~~xx~~ 1-5-1989 wherein a proposal was sent for relief of the applicant w.e.f. 31-5-1989. The contention of the learned counsel for the applicant that the applicant

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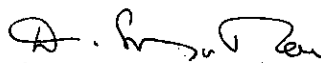
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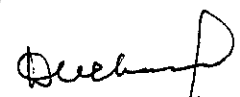
is being relieved without the knowledge and consent of the first respondent ~~has~~, therefore, fails. There is no merit in the said contention of the learned counsel for the applicant, as it is wholly untenable.

4. Secondly, the learned counsel for the applicant prays for a direction to the respondents to settle ~~xx~~ all ^{dues} ~~duties~~ relating to surrender leave, leave salary and pension contributions, LTC etc. before relieving the applicant on repatriation. We have no doubt that the first and ^{second} respondents will take action in accordance with rules for ~~xx~~ expeditious settlement of the dues claim^d by the applicant.

5. With the above observations, the application is dismissed. In the circumstances of the case, there will be no order as to costs.

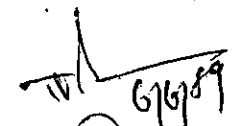
(dictated in open court)


(D. SURYA RAO)
Member (Judl.)


(D.K. CHAKRAVORTHY)
Member (Admn.)

DATED 31-5-1989.

RSR°


6/6/89
Deputy Registrar (D)