

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT : HYDERABAD

O.A. No. 54/90

Date or order: 3.1.1991

BETWEEN

S.S. Budan, IAS

.. Applicant

Vs.

1. The Chief Secretary,
G.A.D., Secretariat Buildings,
Hyderabad.

2. The Secretary,
Dept. of Personnel & Training,
Central Secretariat,
New Delhi.

.. Respondents

APPEARANCE

For the applicant : Party-in-person

For the respondents : Shri ~~A. Ramakrishna~~ ^{Mr. Narayana Bhagat} Rao for R-1
Shri ~~A. Ramakrishna~~ ^{Mr. Narayana Bhagat} Rao for R-2

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THE HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE SHRI D. SURYA RAO, MEMBER (JUDICIAL)

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(Judgement of the Bench delivered by Hon'ble Shri B.N.Jayasimha
Vice Chairman)

The applicant herein who was a member of the
I.A.S., was reverted ^{from} ~~to~~ ^{from} ~~the~~ Indian Administrative Service by
G.O. RT.No.2139 dt.19.6.1987 issued by Govt. of A.P.,

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in pursuance to the orders of Govt. of India No.14013/10/
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AIR(III) dt.5.6.87. The applicant challenged these
orders in O.A.No. 397/87. O.A.No.397/87 was allowed and
the order dt.5.6.87 communicated through G.O. Rt.No.2139
dt.19.6.87 was set aside by the order of the Tribunal dt.
22.9.87. The applicant thereafter reported for duty
on 29.1.1988. During the intervening period i.e.,
during the period of reversion from 22.6.87 to 28.1.88
he did not report for duty. The applicant contends that
he should be paid his salary and allowances for this
period viz., from 22.6.87 to 28.1.88 when he could not
perform any duty as he had been illegally reverted from
the I.A.S., The State Govt. in Memo No.1639/Special-A/
87-10 dt.14.3.88 informed him that the period between
17.6.87 to 28.1.1988 will be treated as leave as he has
spent the period out of duty and he was asked to send an
application for leave for the said period. On his
further representation, the State Govt. informed him by
the letter dt.31.12.1988 that the Govt. of India to whom
the matter was referred have stated that the period from
17.6.87 to 28.1.88 when he was not attending any duty
under the State Govt. has to be treated as leave of any
kind due and he was requested to send a formal leave
letter for treating the period in question as leave to
which he is eligible as already intimated in Govt. Memo
No.1639/Spl.A/87-10 dt.14.3.1988. It is this order
which the applicant questions in this application. He
claims that the period from 22.6.87 to 28.1.88 should be
treated as period spent on duty or period of compulsory
wait and also payment of arrears of pay and allowances

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for the said period together with reasonable interest equal to Bank interest thereon.

2. The respondent No.1 states in his reply that after the order of reversion, the applicant's services were placed at the disposal of Revenue Department to give him a posting and he was directed to report to the Commissioner of Land Revenue for posting orders. The applicant initially went on leave from 17.6.87 to 20.6.87 with permission to avail public holidays on 21.6.87. He did not report for duty on 22.6.87. Subsequently he applied for earned leave from 22.6.87 to 18.8.87 on private affairs and the same was sanctioned by the Commissioner of Land Revenue. After expiry of leave the applicant did not report to the Commissioner of Land Revenue. He reported for duty on 29.1.1988 only after the orders of Govt. of India were set aside by the Central Admn. Tribunal. The respondents contend that during the period from 22.6.87 to 28.1.88 the applicant had not performed any duties nor sought for orders for posting on expiry of the leave sanctioned to him and he is therefore not entitled to the reliefs claimed.

3. We have heard the applicant-in-person and Shri Naram Bhaskara Rao, Standing Counsel for Central Govt. The question falling for consideration is whether the period during which the applicant did not perform any duty and was absent is to be treated as duty with full salary and allowances, even though he did not perform any duty during that period. The applicant contends that even though he did not seek any posting order as directed by the State

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To

1. The Chief Secretary,
Government of Andhra Pradesh,
General Administration Department,
Secretariat Buildings,
HYDERABAD.
2. The Secretary,
Union of India,
Department of Personnel & Training,
Central Secretariat,
NEW DELHI.
3. One copy to Mr. S. S. Budan, IAS.,
B-41, Vijayanagar Colony, near post office,
HYDERABAD. - 500 547.
4. One copy to Mr. Naram Bhaskar Rao, Addl. CGSC, Hyderabad.
5. One copy to Mr. D. Panduranga Reddy, Spl. Counsel for
A.P. State, Hyderabad.
6. One Spare copy.

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Government, the State Govt. ought to have given him posting orders. This contention cannot be accepted. The applicant had been specifically directed to report to the Commissioner of Land Revenue for being given posting order. The applicant went on leave and after the period for which he had applied for leave, he neither sought extension of leave nor did he report for duty before the Commissioner of Land Revenue. There was also no order of any court staying the order of reversion and in the absence of any stay, he was bound to report for duty before the Commissioner of Land Revenue. If after reporting for duty before the C.L.R., he had not been given a posting, the applicant's claim for treating the period as compulsory wait could have been sustained. In the circumstances, the claim of the applicant for treating the period as duty has no merit. The order of the State Govt. directing him to apply for any kind of leave due to him is therefore valid. However, it is made clear that to the extent the applicant is entitled to leave, he will be paid the leave salary calculated on the basis of the post he held immediately preceding his reversion. The applicant should apply for leave within a period of one month and the State Govt. will pass the orders thereafter within a period of one month after the receipt of the application. The O.A. is dismissed with these observations. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
VICE CHAIRMAN

D. Surya Rao
(D. SURYA RAO)
MEMBER (JUDICIAL)

Dictated in the open court
Dt. 3rd Jan. 1991.

*By order of
Govt. of Andhra Pradesh*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.B.N.JAYASIMHA : V.C.

AND

THE HON'BLE MR.D.SURYA RAO : M(J)

AND

THE HON'BLE MR.J.NARASIMHA MURTY : M(J)

AND

THE HON'BLE MR.R.BALASUBRAMANIAN : M(A)

Dated: 3 - 1 - 1991.

ORDER / JUDGMENT:

M.A./R.A./C.A. NO.

in

T.A. NO.

W.P. NO.

O.A. NO.

54/90.

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

