

(Cl3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 154/91.

Dt. of Decision : 26-8-94.

Mr. N. Brahmananda Reddy

.. Applicant.

Vs

1. Government of India,
Rep. by Directorate-General,
Doordarshan, Mandi House,
New Delhi.
2. The Chief Engineer,
South Zone, A.I.R. and T.V.,
Madras-6.
3. Station Engineer,
T.V. Maintenance Centre,
Nellore.

.. Respondents.

Counsel for the Applicant : Mr. G. Bikshapathy

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

O.A.NO.154/91.

JUDGMENT

Dt: 26.8.94

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri G.Bikshapathy, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. This OA was filed praying for a declaration that the action of R-3 in seeking to withhold payment of salary, GPF etc., in ~~xxx~~ pursuance of the Memo No.NLR.21(2)/NBR/90-S/285, dated 27.8.1990 is illegal, invalid and without jurisdiction and for consequential direction to the respondents to pay the salary, GPF, DA arrears, balance TA & DA and EL encashment and Bonus for 1989-90 with interest @ 18% with effect from 10.5.1990 without reference to the bond ~~xxxxxx~~ executed by the applicant in favour of the respondents in April 1989.

joined
3. The applicant/service as Engineering Assistant in the office of the Chief Engineer, South Zone, AIR and TV at Vijayawada on being appointed by R-2 as Engineering Assistant. Later he was transferred to TV Relay Centre in Proddatur in July 1986 and promoted as Senior Engineering Assistant. In 1989, technical he was deputed for 9 months/training to be undergone

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in the Indian Institute of Technology, Kanpur. That training was from July 1989 to March 1990. In April 1989 a bond was taken from the applicant to the effect that he ^{would} ~~will~~ serve the Government for a period of three years if he is ~~was~~ going to ^{be} selected for the said training failing which he ~~was~~ would refund an amount of Rs.15,000/-.

4. The applicant applied for the post of Asstt. Engineer Trainee in Andhra Pradesh State Electricity Board (APSEB) in 1989. The said application was forwarded by R-2 to the APSEB. The applicant was selected for the said post. By the order dated 21.3.1990, the applicant was appointed for the said post and he was required to report for duty on or before 15.4.1990. At his request, he was permitted to join duty before 15.5.1990. He made such a request as he was then undergoing training in IIT, Kanpur. On 2.4.1990, the applicant made an application to R-3 requesting him to relieve him on or before 11.5.1990. When there was no response inspite of his further representations, he submitted the letter to the R-2 on 8.5.1990 tendering his resignation with effect from 11.5.1990 and he joined APSEB on 14.5.1990. By the memo dated 27.8.1990, R-3 ~~was~~ informed that his resignation was not accepted and he should repay the amount of Rs.15,000/- and then only the amounts due to him will be paid.

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5. While office of R-2 is a Central Government office, APSEB in which the applicant joined after tendering resignation in the office under R-2 is a State Public Sector Undertaking. In letter No. BPE/GL-017/77/MAN/2(11)/75/BPE(GM-I), dated 13.6.1977, following was referred to:-

"According to the extant instructions issued by the Government in 1966, if a Central Government servant leaves his job for taking up employment under a State Government/Public Sector Undertaking, owned wholly or partially by the Central Government or by a State Government or under quasi-Government organisation, the terms of any bond committing him to serve the Government for a stipulated period, which might have been executed by him, need not be enforced, although a fresh bond should be taken from such a Government servant to ensure that he serves the new employer, State Government, Public Sector Undertaking/quasi-Government organisation, for an appropriate period to be determined in each case by the erstwhile Ministry/Department, taking into account the amount spent by them on their training."

It is manifest from the above that if a Central Government employee leaves his job for taking up employment in a State Government/Public Sector Undertaking, then he has to execute a bond in favour of the latter for serving for the entire period of three years for which he executed the bond in favour of the Central Government before

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he deputed for training or for such remaining period as may be directed. It is not in controversy that the application of the applicant for the post of Assistant Engineer Trainee was sent by R-2 only, and the applicant left service with the Central Government for joining ~~the~~ APSEB, a State Public Sector Undertaking. As such, the instructions in the letter dated 23.5.1981 referred to above is attached in the case of the applicant. His training was over in 1990 and the period of three years expired by now. He is still serving in the APSEB and as such the bond period expired. Hence, the question of directing the respondents to execute the bond in favour of APSEB does not arise.

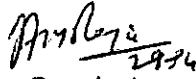
6. As such, the respondents are directed to pay the amount due to the applicant and he need not pay the amount of Rs.15,000/- referred to in the bond dated 19.4.1989 to the respondents.

7. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 26th August, 1994.
Open court dictation.


Deputy Registrar

- To _____, Secretary India, Baidyanathan,
Mandi House, New Delhi.
2. The Chief Engineer, South Zone, A.I.R. and T.V. Madras-6.
 3. The Station Engineer, T.V. Maintenance Centre, Nellore.
 4. One copy to Mr. G. Bikshapathy, Advocate, CAT. Hyd.
 5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
 6. One copy to Library, CAT. Hyd.
 7. One spare copy.

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COMFARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M (J.D.N)

DATE: 26-8 - 1994

~~ORDER~~ JUDGMENT

M.A.No./R.A/C.A.No.

in

O.A.No.

154/91

(T.A.No.

(W.P.NO

Admitted and Interim directions
Issued.

Allowed.

NO SPARE COPY

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

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