

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.998/92 and O.A.NO. 659/92.

Date of Order L 24-3-95.

Between:

M.A.Rasheed.

.. Applicant.

and

1. The Director, Central Research Institute  
for Dryland Agriculture,  
Santhoshnagar, Hyderabad-659.
2. The Scientist and the Head of Designs  
and Analysis Section, Central Research  
Institute for Dryland Agriculture,  
Santhoshnagar, Hyderabad-659.
3. The Scientist-I(Geography)  
Designs and Analysis Section,  
Central Research Institute for  
Dryland Agriculture, Santhoshnagar,  
Hyderabad-659.
4. Sri U.M.Bhaskara Rao,  
Officer-in-Charge, Hayatnagar  
Research Farm, Central Institute for  
Dryland Agriculture,  
Hayatnagar, R.R.Dist.

.. Respondents.

For the Applicant: Mr. V.Venkateswar Rao, Advocate.

For the Respondents: Mr.N.R.Devraj, Sr.CGSC.

CORAM

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

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

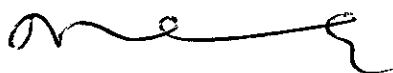
[ AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,  
VICE-CHAIRMAN ]

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J U D G E M E N T

Heard both the counsels.

The applicant in the OA 659/92 filed this MA seeking direction to the Respondents to pay the full salary to the applicant for the month of August, 1992 as per the pay bill for August, <sup>without</sup> withholding the amounts for the period of his medical leave from 18-8-92 to 29-8-92. While the period referred to in Annexure (3) <sup>note</sup> ~~note~~ was only upto 14-8-92, the medical leave referred to in this MA is from 18-8-92. Thus the period of medical leave is not in any way connected with the period referred to in Annexure 3. Thus it is not a matter for consideration in this OA. This MA <sup>has to be</sup> ~~has to be~~ dismissed on that ground. But liberty <sup>is</sup> ~~has to be~~ given to the applicant to initiate appropriate proceedings in regard to the salary for the above leave period, if he is so advised.// Subject to the above, the MA is dismissed. No costs./



(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(V. NEELADRI RAO)  
VICE-CHAIRMAN

Dated the 24-3-95.  
Open court dictation

NS

[ AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,  
VICE-CHAIRMAN ]

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J U D G E M E N T

Heard both the counsels.

2. This OA was filed praying for declaration that the note dated 13-7-92 and the subsequent note dated nil issued by R3 to the applicant directing him to report at Hayathnagar Research Farm with effect from 20-7-92 are illegal, arbitrary and malafide and unconstitutional and <sup>to</sup> quash the same <sup>and for</sup> directing the respondents not to entrust the duties not pertaining to the post held by him.

2. The applicant was initially appointed as Draughtsman (civil) in a class III post equivalent to Grade T-2 with effect from 12-3-63. He possessed the qualification of SSC with certificate in the trade of Draughtsman. By 13-7-92 the applicant was in T5 in the pay scale of Rs. 2000-3500/-.

3. By note dated 13-7-92, the applicant was required to report <sup>for</sup> ~~to~~ duty at Hayathnagar Research Farm from 20-7-92 in connection with writing of experimental boards. By memo. dated nil the applicant was required to report to Shri E.N. Bhaskar Rao, officer in charge, Hayathnagar Research Farm from 28-7-92 till 14-8-92. This OA was filed on 4-8-92 for the reliefs as referred to.

4. ~~It~~ It is stated for the applicant that he was initially appointed as Draughtsman and when all along he was entrusted with the duties of Draughtsman he cannot be directed to take up the work of writing of experimental boards which is the duty of a painter in the pay scale of Rs. 950/1500 <sup>alternately</sup> while he was

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in the pay scale of Rs. 2000/3500 by 13-7-92.

The judgement of the Apex Court in AIR 1988 SC 78  
(P.K. Chinnasamy Vs. Government of Tamil Nadu & Others)

is relied upon to urge that ~~"it was observed therein  
in a categorical direction that"~~ a public servant  
should be given appropriate posting and assigned  
normal official duties commensurate to his status."//

It is the case of the Respondents that the work  
entrusted to the applicant was writing experimental  
details of scientific nature. ~~terminalogies/methods~~  
of experiments, observations ~~taken~~ etc. and it is  
not a painter's job as claimed by the applicant <sup>duties</sup>  
and they are within the purview of the Draughtsman's/  
which is attached to a scientific Research Organisa-  
tion. It was further alleged in the counter that  
there was no post of Artist or Painter in the pay  
scale of Rs. 950/1500 in their organisation, and  
they denied the allegations for the applicant that  
when he reported for duty at Hayathnagar Research  
Farm, he was given the iron sheets for being painted  
and to write the particulars on the said boards.

5. It is manifest from the memo. dated nil  
(Annexure 3) that the period for which the applicant  
was asked to report in Hayathnagar Research Farm  
in connection with writing of experimental boards  
was only from 28-7-92 till 14-8-92. That period  
expired long time back. The question of giving  
any direction in regard to the monetary relief does  
not arise even if the case of the applicant is  
going to be accepted.

6. But the learned counsel for the applicant  
submitted that the said point has to be considered  
for disposal of this OA and it cannot be closed

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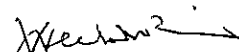
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as infructuous for the possibility of the Respondents entrusting similar duties to the applicant cannot be ruled out.

7. We feel that as the period for which the applicant was entrusted with the work referred to expired long time back, and the question of giving any direction towards monetary relief even if the case of the applicant is going to be accepted does not arise, it is just and proper to dismiss the OA as infructuous without prejudice to the right of the applicant to challenge if the Respondents think of again entrusting similar duties to the applicant. Accordingly, the OA is dismissed as infructuous. No costs./



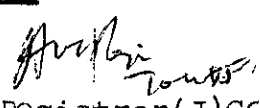
(R. RANGARAJAN)  
MEMBER (ADMN.)



(V. NEELADRI RAO)  
Vice-Chairman

Dated the 24th March, 1995  
Open court dictation

NS

  
Deputy Registrar(J)CC

To

1. The Director, Central Research Institute for Dryland Agriculture, Santhoshnagar, Hyd-659.
2. The Scientist and the Head of Designs and Analysis Section, Central Research Institute for Dryland Agriculture, Santhoshnagar, Hyd.
3. The Scientist-I (Geography) Designs and Analysis Section, CRIDA, Santhoshnagar, Hyd-659.
4. One copy to Mr.V.Venkateswar Rao, 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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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 (ADMN)

DATED - 24-3-1995.

ORDER/JUDGMENT:

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

998/92

O. A. No.

in 659/92 and

T. A. No.

(W. P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for def Central Administrative Tribunal

Ordered/Rejected.

No. order as to costs.

DESPATCH

24 APR 1995

HYDERABAD B.

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