

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.750/92 with MR 930/92

Date of Order: 1.9.1992

BETWEEN:

D.Rajendra Prasad .. Applicant.

A N D

1. Union of India,  
Rep. by its Secretary,  
Ministry of Defence,  
New Delhi.

2. The Scientific Adviser to the  
Minister of Defence & Director General  
Research & Development, Directorate  
of Personnel (RD-Legal Cell),  
Ministry of Defence, DHQ PO NEW DELHI-11.

3. The Director,  
Defence Research & Development Laboratory,  
PC Kanchanbagh, Hyderabad. .. Respondents.

-----  
Counsel for the Applicant .. Mr.K.Sudhakar Reddy

Counsel for the Respondents .. Mr. M.Jagan Mohan Reddy,  
*Adl. C.G. 80*

CCRAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

-----  
(Order of the Single Member Bench delivered by  
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)).

.. 2 ..

M.A.No.930/92 is moved by the applicant to condone the delay of 58 days in filing the OA. Heard both sides.

As  sufficient reasons are mentioned in the affidavit accompanying the delay condonation petition, delay of 58 days in filing the OA is condoned and accordingly M.A.930/92 is allowed.

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents herein to continue to pay salary to the applicant as per the orders of the City Civil Court dated 31.3.1984 passed in I.A.No.222/84 in O.S.1966/79 on the file of the City Civil Court, Hyderabad from December, 1990 onwards and pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief are as follows:-

The applicant was appointed as Turner in the Office of the D.R.D.L., Hyderabad on 28.2.1973. The applicant was kept under suspension by the Competent authority on 2.1.1978. A regular charge sheet was issued as against the applicant by the competent authority in the month of February, 1978. The applicant was removed from service on 9.6.1978 pending disciplinary proceeding as against the applicant. As per the orders of the City Civil Court Judge, Hyderabad, the applicant was paid subsistence allowance during the period of suspension. After the applicant was removed from service on 9.6.1978, as per the orders dated 31.3.1984 in I.A.222/84 in O.S.1966/79, the City Civil Court Judge directed the respondents to pay salary and allowance to the applicant which the applicant was drawing on the date of suspension. The said orders dated 31.3.1984 in the said I.A.222/84 were passed by the City Civil Court, Hyderabad, relying upon the orders of the Supreme Court dated 7.11.1983 passed in Civil Appeal No.1211/80

T. - C. - R. - C

21

on the file of the Supreme Court. The said Civil Appeal 1211/80 seems to have been filed by the employees who were similarly placed like those of the applicant. So as per the said orders of the City Civil Court Judge, Hyderabad the applicant was being paid the salary and allowances. After the Central Administrative Tribunal was constituted at Hyderabad the said C.S.1966/79 was transferred under Section 21 of the Administrative Tribunals Act to the C.A.T., Hyderabad as T.A.991/86. The said T.A.991/86 and batch cases were allowed by the C.A.T. On the ground that the disciplinary proceedings were not initiated by competent authority. As against the orders and Judgement passed in T.A.991/86 allowing the said T.A. the department carried the matter in appeal and filed a batch of Civil Appeals before the Supreme Court. The C.A.No. pertaining to this Applicant was 1794/90. The Supreme Court as per its judgement dated 10.4.1990 allowed the said C.A.1794/90 and the batch of Civil Appeals and remitted back all the Civil Appeals to the C.A.T., Hyderabad for fresh disposal in the light of the observations made in the Judgement in C.A.1794/90 and batch cases. So the said T.A.991/86 stands restored to file in view of the orders of the Supreme Court.

It is brought to our notice during the course of hearing of this CA that the applicant was paid his salary and allowances up to end of November, 1990 and was subsequently stopped the payment under the impugned orders dated 24.12.1990 passed by the respondents. The applicant seems to have put in representations in vain to the competent authority pay him the salary and allowances, as per the said orders of the Civil Court Judge dated 31.3.1984 in I.A.222/84. The applicant seems to have preferred an appeal without success to the competent authority. So the above CA was filed by the applicant before this Tribunal for the relief as already indicated above, after exhausting the

T - C - P

WJP

.. 4 ..

departmental remedies open to the applicant.

We have heard today at the admission stage Mr. K. Sudhakar Reddy, Advocate for the applicant and Mr. M. Jagan Mohan Reddy, Standing Counsel for the respondents.

It is needless to point out that all the interim orders passed in O.S. 1966/79 and in T.A. 991/86 stood automatically restored, in view of the fact that the said T.A. 991/86 was remitted back by the Supreme Court and as the said T.A. was restored to the file as of the Tribunal. In view of the said order dated 31.3.1984 passed by the Judge, City Civil Court, Hyderabad in I.A. 222/84 the respondents become liable to pay the salary to the applicant from the month of December, 1990. Hence this CA is liable to be allowed at the admission stage by giving appropriate directions to the respondents.

Hence we direct the respondents to pay the salary due to the applicant from the month December, 1990 onwards until T.A. 991/86 is finally decided by the Tribunal. Under the circumstances of the case we make no order as to costs.

*T. Chandrasekhar Reddy*

(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 1st September, 1992

(Dictated in the Open Court)

*8/9/92*  
Deputy Registrar (J)

*13/1/92*

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :  
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 1 - 9 - 1992

ORDER / JUDGMENT

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

in

O.A. No. 750/92

T.A. No. (W.P. No. )

Admitted and interim directions  
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

pvm.

