

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 792/93.

Dt. of Decision : 14.11.94.

A. Venkataramana

.. Applicant.

Vs

1. The Divisional Railway Manager(MG),
SC Rly, Rail Nilayam, Sec'bad.

2. The Sr. Divl. Personnel Officer(MG),
SCRly, Rail Nilayam. Sec'bad.

.. Respondents.

Counsel for the Applicant : Mr. P.Krishna Reddy

Counsel for the Respondents : Mr. G.S. Sanghi, SC for Rlys.

CORAM:

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

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

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

J U D G E M E N T

Heard Shri P. Krishna Reddy, learned counsel for the applicant and also Shri G.S. Sanghi, learned standing counsel for the Respondents.

2. The applicant while working as Erector in the unit of BRI MG, Hyderabad Division was transferred by an order dated 5-11-90 to work under Bridge Inspector, Poorna. The applicant filed OA 110/91 challenging the same. The same was disposed by order dated 1-2-91 directing the Respondents to dispose^{of} the representation dated 8-11-90 submitted by the applicant within 3 weeks from the date of receiving the said order. It was further directed therein that the applicant should be retained in Hyderabad till the said representation was disposed. The said representation was rejected on 8-3-91 and on 9-3-91 the applicant was relieved at Hyderabad. The applicant filed OA 231/91 challenging the order dated 5-11-90 whereby he was transferred to Poorna. The same was allowed on 30-6-91. The Respondents received a copy of the order in OA 231/91 on 9-8-91. The applicant was given the posting order dated 18-9-91 re-posting him at Hyderabad. The applicant joined the said post on 19-9-91.

3. When the applicant was relieved on 9-3-91 he had not reported at Poorna. He reported for duty on 19-9-91 after he was re-posted at Hyderabad.

3. The applicant was informed by order dated 12-2-92 that the period from 9-3-91 to 18-9-91 was treated as leave due as a clemency measure.

4. This OA was filed praying for a direction to the Respondents to treat the period from 9-3-91 to 18-9-91 as on duty and for payment of full salary and emoluments accordingly.


5. There is force in the contention for the Respondents that the applicant is not entitled to the salary and other emoluments by treating it as on duty for the period from 9-3-91 till 30-6-91 the date on which the OA 210/91 was allowed, on the principle of no work no pay. Even the judgement of this Bench in TA 520/86 does not support the contention of the applicant to the effect that once the order of transfer is set aside, it should be treated as null and void ^{and} the concerned officer should be treated as on duty from the date on which he was relieved till re-posting order is issued.

6. When once the order of transfer was set aside on 30-6-91, it is for the concerned authority to issue the order of posting. The applicant joined on the following day on which he received the order of posting. Hence the period from ~~31-6-91~~ 1-7-91 till 18-9-91 both the dates inclusive should be treated as on duty and accordingly the applicant has to be paid the ~~entire~~ salary and other emoluments ^{for the said period}. If any amount was paid by treating it as ~~xx~~ leave due, the same has to be adjusted ^{towards} from the amount

payable for the said period as per this order.

Necessary ^{alterations} corrections have to be made in the leave account of the applicant also.

The OA is ordered accordingly. No costs./


(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated 14th November, 1994

NS


Deputy Registrar(J)CC

To

1. The Divisional Railway Manager(MG) S.C.Rly, Railnilayam, Secunderabad.
2. The Sr.Divisional Personnel Officer(MG) S.C.Rly, Railnilayam, Secunderabad.
3. One copy to Mr.P.Krishna Reddy Advocate, CAT.Hyd.
4. One copy to Mr.G.S.Sanghi, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. 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 (ADMIN)

DATED: 14-11-1994

ORDER/JUDGEMENT:

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

in

O.A.No. 792/93

T.A.No. (w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs

NO SPARE COPY

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