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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.P.No.68/93

in

O.A.No.386/93

Date of Order: 9.9.1993

BETWEEN:

1. The D.D.(Med.) Dte. General
Central Reserve Police Force,
C.G.O.Complex, Lodhi Road,
New Delhi.
2. The Addl.Dy. Inspector General of
Police, Group Centre, CRPF,
Hyderabad.
3. The Chief Medical Officer, 2nd Base,
Hospital, CRPF, Hyderabad.
4. The Inspector General of Police,
SS, CRPF, Road No.12, Banjara Hills,
Hyderabad.
5. The Dy. Inspector General of Police,
CRPF, Hyderabad.

.. Applicants/
Respondents

A N D

P.Wilson Mathew

.. Respondent/
Applicant

Counsel for the Applicants

.. Mr.V.Rajeswara Rao
for
Mr.N.V.Ramana

Counsel for the Respondent

.. Mrs.J.Chamanti

CORAM:

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

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

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Order of the Division Bench delivered
by Hon'ble Shri A.B.Gorthi, Member(Admn.).

This Review Petition is filed by the respondents in O.A.386/93. In our judgement dated 29.4.1993 in O.A.386/93 a direction was given to the effect that ^{the} ~~the~~ applicant would report to Sri Nagar as ordered by the competent authority by 15.5.1993 and the respondents would pay the applicant his pay and allowances for the period March 1993 to the date of his joining in new establishment.

2. In the Review Petition two main points have been raised, firstly it is stated that the applicant being a member of CRPF this Tribunal has no jurisdiction. Secondly it is stated that the applicant was relieved on 28.1.1993 and after reckoning his joining time he should have reported to Sri Nagar how the period from the date of judgement i.e. 29.4.1993 to 15.5.1993 is to be regularised.

3. On the question of jurisdiction we must observe that the applicant had approached the Tribunal earlier also in O.A.93/93. Neither at that time nor at the time of hearing of O.A.386/93 the respondents raised any objection to the jurisdiction of the Tribunal. In para 6(A) of O.A.386/93 the applicant averred that he is a non-combatised member of the

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hospital staff of the CRPF. In view of this the applicant's case was considered by the Tribunal on the same lines as the cases of civilians ⁱⁿ and Defence service are entertained. While members of CRPF may not be subject to the jurisdiction of this Tribunal in view of Section 2(A) of the Administrative Tribunals Act, 1985 the same cannot be said of the civilian members of the armed forces."

4. As regards the payment of salary for the period from March 1993 to the date of the applicant's joining his new unit at Sri Nagar, a categorical order was passed by this Tribunal ^{on the} and specific plea ^{was} made by the applicant that he was not being paid his pay and allowances despite his request to the authorities concerned. Keeping in view the specific circumstances of the case in hand, it was held that there would be no justification for the respondents not to pay the applicant his pay and allowances. Accordingly in the OA a direction was given that the applicant should be paid his salary for the period from March 1993 onwards if not already paid treating the said period as ~~an duty~~ ^{in duty} or patent in the order that we made. Unless and until the applicant intentionally absented himself ^{he} ~~it~~ should be treated as ^{paid} in duty and accordingly ^{pay} ~~pay~~ his pay and allowances as already ordered.

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5. With the above observation this Review Petition is dismissed. There shall be no order as to costs.

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

(A. B. GORTI)
Member (Admn.)

Dated: 9th September, 1993

(Dictated in Open Court)

Deputy Registrar (J)

To sd

1. The D.D.(Med.) ~~District~~ General, Central Reserve Police Force,
2. The Addl. Deputy Inspector General of Police, Group Centre, CRPF, Hyderabad.
3. The Chief Medical Officer, 2nd Base, Hospital, CRPF, Hyderabad.
4. The Inspector General of Police, SS, CRPF Road No.12, Banjara Hills, Hyderabad.
5. The Deputy Inspector General of Police, CRPF, Hyderabad.
6. One copy to Mr. N. R. Ramana, Addl. CGO, Ch. Hyd.
7. One copy to Mrs. J. Chamanti, J. V. Prasad, Advocates, 3-4-874/1/A/5, Barkatpura, Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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4th Sep 1993
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TYPED BY

COMPARED BY

CHECKED 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. A. B. GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 9-9 -1993.

ORDER/JUDGMENT:

~~M.A./R.A/C.A.No.~~ 68/93

in

O.A.No. 386/93
T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs

Central Administrative Tribunal
DESPATCH
10 OCT 1993
HYDERABAD BENCH

(10)

3.2/93