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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD PENCH: AT  
HYDERABAD.

C.A.NO. 762/95.

DATE OF JUDGMENT: 22-09-95;

BETWEEN:

**M.S.Sankaran**

.. Applicant.

AND

1. **Union of India, Rep. by  
its Secretary, Dept. of Women  
& Child Development, Min. of  
Human Resources Development,  
Shastry Bhavan, New Delhi-1.**
2. **Techdical Adviser,  
Food & Nutrition Board,  
Min. of Human Resources Development,  
Krishi Bhavan, Third Floor, New Delhi-1.**
3. **Mr. N. Sabapathi**
4. **Mr. C.Jayapal**
5. **Mr. M.R.Venkateswarlu**

.. Respondents.

COUNSEL FOR THE APPLICANT: **SHRI Y.Subrahmanyam**

COUNSEL FOR THE RESPONDENTS: **SHRI K.Bhaskara Rao,  
Or/Addl.CGSC.**

CORAM:

**HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)**

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OA.762/95

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, V.C. )

Heard Sri Y. Subrahmanyam, learned counsel for the applicant and Sri K. Bhaskara Rao, learned counsel for the respondents.

2. The applicant is a Demonstration Officer and Incharge of the Food and Nutrition Extension Unit, Andhra University, Visakhapatnam. By order dated 3-4-1995 vide No.NS:PA:STA:95 FN, of R-3 the applicant was directed to handover the charge to R-4, his subordinate. The same is challenged in this OA. It is stated ~~in~~ the reply filed by R-3 that he was constrained to pass impugned order pending consideration of the complaints received from the staff and public.

3. When this OA had come up for consideration on 13-7-1995 it was submitted for the respondents that there is no bar for the duties of the Administrative Officer. It is stated for the applicant that there after he was attending to the office and is being paid salary from 1st August, 1995.

4. Sri K. Bhaskar Rao, learned counsel for the respondents submitted that the applicant had not attended the office from 1st June and the extracts of the attendance register which were sent to him are upto 12-7-1995 and they disclose that the applicant was absent upto 12-7-95 <sup>and</sup> also he had not received instructions as to from what date again he was attending <sup>the</sup> office.

To

1. The Secretary, Dept.of Woman and Child Development,  
Ministry of Human Resources Development,
2. The Technical Adviser, Food and Nutrition Board,  
Dept.of Woman and Child Development,  
Ministry of Human Resources Development,  
Krishi Bhavan, Third Floor, New Delhi-1.
3. One copy to Mr. Y.Subrahmanyam, Advocate, 45-58-7  
Narasimhanagar, Visakhapatnam.
4. One copy to Mr. K.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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65

5. It is for the concerned authority to take appropriate steps whenever complaints are received. This is a case where the applicant was required to handover charge to his subordinate as there is no other equivalent authority, pending consideration of the complaints against him (the applicant). But the submission for the respondents is that salary to the applicant was being paid and it is going to be paid for the are no grounds to quash the impugned order dated 3-4-1995, passed by R-3.

6. Sri K. Bhaskar Rao, learned counsel for the respondents submitted that R-3 already laid the entire matter with reference to the applicant before R-2. We make it clear that the order in this OA does not debar R-2 to pass appropriate order in regard to the same.

7. The applicant is free to apply for leave in regard to the days of absence in June and July and if such leave by R-3 in accordance with rules.

8. In the result the OA is ordered as under :

The impugned order dated 3-4-1995 is confirmed. But it does not debar R-2 to pass appropriate order in this regard after considering the facts which are placed before him by R-3 and representation if any of the applicant, and any other relevant material. R-3 has to dispose the leave application of the applicant if it is going to be filed in accordance with rules. It is for R-2 to pass appropriate orders and the applicant is free to move this Tribunal if aggrieved under Section 19 of the AT Act. No costs.//

R. Rangarajan  
(R. Rangarajan)  
Member (Admn.)

V. Neeladri Rao  
(V. Neeladri Rao)  
Vice Chairman

Dated : Sept.22, 95  
Dictated in Open Court

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*Avdhans*  
Deputy Registrar OOC

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADIRAO  
VICE CHAIRMAN

AND

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

DATED: 22-9-1995

ORDER/JUDGMENT

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

in

O.A.No.

762/95

T.A.No.

(W.P.No.)

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

p.v.m.

