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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 258/95.

Dt. of Decision : 22-12-95.

N.S. Sankaran

.. Applicant.

Vs

1. The Govt. of India, Rep. by
~~Resource Development, Dept.~~
Woman and Child Development,
New Delhi.

2. The Director of Food and Nutrition Board,
Dept. of Woman and Child Development,
Min. of Human Resource Development,
Shanthi Bhavan, New Delhi.

~~Food and Nutrition Board (North Region)~~
Jamnagar House, New Delhi.

.. Respondents.

~~Counsel for the Applicant~~

: Mr. Y. Subramanyam

Counsel for the Respondents

: Mr. K. Bhaskara Rao, Addl. CGSC.

CORAM:

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

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

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O.A.No.258/95

Dt. of decision:22.12.1995

JUDGEMENT

I As per the Hon'ble Sri Justice Sri V.N. Rao, Vice Chairman I

This O.A. was filed praying for setting aside the charges framed against the applicant in proceedings No.28/185/74-FNB I/NA, dt.7.9.93 and further direct the respondents to release the increments due from September 1993 with arrears to the applicant.

2. The proceeding dt.7.9.93 referred to therein is only a Show Cause Notice as pleaded for the respondents. It is a charge memo issued under Rule 14 of CCS (CCA) Rules, 1965. Further it is averred in the Reply Statement that the disciplinary proceeding against the applicant is contemplated. Hence, even when the charge memo under Rule 14 of CCS (CCA) Rules, 1965 was not issued, the question of quashing the same does not arise.

3. There is no provision whereby the increment can be withheld under disciplinary proceedings is pending, when the delinquent is not suspended. Thus, there cannot be any question of withholding the increment when the disciplinary proceeding is merely contemplated, when the applicant was not suspended. Hence, it is necessary to order the respondent to sanction the increment as and when due.

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To

1. The Secretary, Ministry, Govt. of India,
Ministry of Human Resources Development,
Dept. of Woman and Child Development, New Delhi.
 2. The Director, Child Development,
Min. of Human Resources Development,
Shanthi Bhavan, New Delhi.
 3. The Deputy Tech. Adviser (Northern Region)
Food and Nutrition Board, Jamnagar House, New Delhi.
 4. One copy to Mr. Y. Subramanyam, Advocate, CAT. Hyd.
 5. One copy to Mr. K. Bhaskara Rao, Addl. CGSC. CAT. Hyd.
 6. One copy to Library, CAT. Hyd.
 7. One spare copy.
- pvm.

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4. It is stated in the rejoinder filed for the applicant that though leave is sanctioned for some period the leave salary is not yet paid. If in fact leave is sanctioned for any of the periods and if salary is not yet paid for the same, the same has to be paid within one month from the date of receipt of this order.

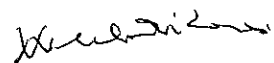
5. The question as to whether the applicant actually attended to the duty or not during - - - to be considered by R-2 expeditiously and preferably by 30.4.96, and the necessary order has to be communicated to the applicant and if it is going to be adverse to him, he is free, if so advised, to ^{move} ~~more~~ this Tribunal against the said order U/s 19 of the A.T. Act.

6. For the purpose of sanctioning increment, the period from 3.11.92 to 2.2.93 has to be excluded, and if ultimately the same is going to be regularised, the date of increment

the necessary arrears have to be paid. The applicant has to be paid the arrears on sanctioning the ~~leave~~ ^{increment} due, as per this order.

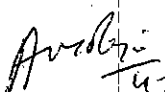
7. The O.A. is ordered accordingly. No costs.//


(R. Rangarajan,
Member (A))


Vice Chairman

Dated 22nd December, 1995
Open Court Dictation

kmv


Deputy Registrar (S) cc.

I COURT

TYPED BY

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COMPARED 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. R. RANGARAJAN : M(A)

Dated: 22-12-1996

ORDER/JUDGMENT

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

in

O.A.No.

T.A.No.

258/95

(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.

No Spare Copy

