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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.426/95

dated : 18-4-95

Between

T. Satyanarayana Murthy : Applicant

and

1. The Director  
Central Research Instt. for  
Dryland Agriculture (ICAR)  
Santoshnagar  
Hyderabad

2. The Sr. Admn. Officer  
CRIDA, ICAR  
Santoshnagar  
Hyderabad 500659

3. The Director  
Indian Instt. of Soil Science (IISI)  
ICAR, Z-6, Zone-I  
Maharana Pratap Nagar  
Bhopal 462011

4. The Admn. Officer  
IISI, ICAR, Z-6, Zone I  
Maharana Pratap Nagar  
Bhopal 462011

5. The Director Genl. of Indian  
Counsil of Agrl. Research  
Krishi Bhavan  
New Delhi 110001 : Respondents

Counsel for the applicant : B.M. Patro  
Advocate

Counsel for the respondents : N.R. Devaraj, SC for  
Central Government.

CORAM

HON. MR. JUSTICE V. NELLADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

Judgement

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

Heard Sri B.M. Patro, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant was relieved on 31-12-1994 after he agreed for deputation to Indian Institute of Soil Science, Bhopal, to which the latter also agreed. But instead of reporting in the Indian Institute of Soil Science, Bhopal, the applicant made representation dated 5-1-1995 to R-4 requesting him to cancel the deputation and to allow him to join his parent unit i.e. Central Research Instt. for Dryland Agriculture, Hyderabad. When no reply was given by R-4, the applicant made representation dated 10-1-1995 to R-2 (Senior Administrative Officer Central Research Instt. for Dryland Agriculture (CRIDA), Hyderabad, requesting him to permit him to join. Then the applicant was informed by impugned memo dated 13-1-95 vide No.1-3(33)/94-95.Estt. that he has to submit all his correspondence through R-4 as he was already relieved by R-2. Being aggrieved, the applicant filed this OA praying for declaration that the impugned proceeding dated 13-1-1995 is arbitrary, illegal, malafide and for consequential direction to R-1 and R-2 to permit the applicant to join duty as Senior Clerk in the office at Santoshnagar at Hyderabad and the entire period of absence from 1-1-1995 to 13-1-1995 should be treated as on duty with all consequential and attendant benefits.

3. The applicant himself applied for deputation to Indian Instt. of Soil Science, Bhopal, for which his

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parent unit i.e. Central Research Instt. for Dryland Agriculture (CRIDA) at Hyderabad and the Indian Instt. of Soil Science, Bhopal agreed. Then the applicant was paid Rs.3165/- as TA advance. He was also relieved by the parent office on 31-12-94.

4. It is stated that due to family circumstances the applicant felt that it is necessary for him to continue at Hyderabad and hence submitted representation dated 5-1-95 to the Indian Instt. of Soil Science, Bhopal, requesting for cancellation of deputation and he submitted representation dated 10-1-95 to his parent unit requesting them to permit him to join duty as he is not interested in going on deputation. As the applicant was already relieved by the parent unit, he was informed by R-2 that all the correspondence should be sent through R-4 only.

5. It is now submitted for R-1 and R-2 that they have no objection to allow the applicant to join their institute. In view of the above submission, we feel it not <sup>necessary</sup> to consider for disposal of this OA as to whether the necessary order has to be passed by the parent unit or the <sup>borrowing</sup> unit after the employee was relieved by the parent unit and before he joined the <sup>borrowing</sup> unit.

6. But as the applicant had drawn an amount of Rs.3165/- and as he had not gone to the <sup>Borrowing</sup> unit, he has to refund the entire amount. He should have refunded even by 5-1-95 the date on which he made <sup>the</sup> representation to the <sup>borrowing</sup> unit. But he failed to <sup>give</sup> it. Hence, it is just and proper to direct the applicant to refund the said amount, to the parent unit with interest at 12% p.a. from the date

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To

1. The Director, Central Research Institute for Dryland Agriculture(ICAR) Santoshnagar, Hyderabad.
2. The Sr. Administrative Officer, CRIDA, ICAR Santoshnagar, Hyderabad-659.
3. The Director, Indian Institute of Soil Science(IISS) ICAR, Z-6, Zone-I Maharana Pratap Nagar, Bhopal-11.
4. One copy to Administration Officer, IISS, ICAR, Z-6 Zone I Maharana Pratap Nagar, Bhopal-11.
5. The Director General of Indian Council of Agricultural Research, Krishibhavan, New Delhi-1.
6. One copy to Mr.B,M.Patro, Advocate, CAT.Hyd.
7. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

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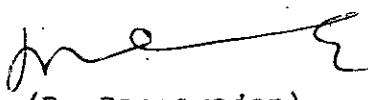
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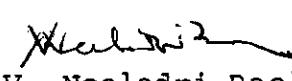
on which he had drawn that amount till the date on which he deposits.

7. The applicant prays that his absence from 1-1-95 till he reports for duty has to be treated as on duty. But we cannot accede to the same. The applicant was relieved only at his request. The question as to whether the borrowing unit or the parent unit has to pass the necessary order is not free from difficulty. When the applicant was informed even on 13-1-95 that he has to send all the correspondence to the parent unit through borrowing unit only, he filed this OA only on 23-3-1995 that is more than two months after he received the impugned proceedings from R-2. The applicant alone should be blamed for that delay. Hence, in the circumstances the period of absence of the applicant from 1-1-1995 till he reports for duty should be treated as leave due to the applicant, and if no leave is available it should be treated as leave without pay.

8. In the result, this OA is disposed of at the admission stage with the following directions :

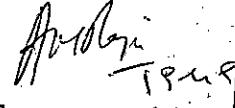
R-2 has to take the applicant on duty on deposit of Rs.3165 with interest at 12% per annum from the date the above amount was drawn by the applicant till the date of deposit. The period of absence of the applicant from 1-1-95 till he reports for duty with the deposited amount and interest deposited had to be treated as leave due to the applicant. If no leave is due to him the same has to be treated as leave without pay. No order as to costs. /

  
(R. Rangarajan)  
Member(Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : April 18, 95  
dictated in Open Court

sk

  
Deputy Registrar

TYPED BY  
COMPARED BY

*C.C. Todes*  
*Iqbal Asri*

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.R.RANGARAJAN; M(ADMN)

DATED - - - 1995.

ORDER/JUDGMENT:

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

O. A. No. *in* *U26/95*

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.

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