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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 (IISS)
ICAR, Z-6, Zone-I
Maharana Pratap Nagar
Bhopal 462011

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

5. The Director Genl. of Indian
Council 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. NEELADRI 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 ^{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

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 ^{also} 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 ^{necessary} to consider for disposal of this OA as to whether the necessary order has to be passed by the parent unit or the ^{borrowing} unit after the employee was relieved by the parent unit and before he joined the borrowing unit.

6. But as the applicant had drawn an amount of Rs.3165/- and as he had not gone to the ^{Borrowing} unit, he has to refund the entire amount. He should have refunded ^{even} by 5-1-95 the date on which he made ^{representation} to the borrowing unit. But he ^{failed} to ^{refund} give 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

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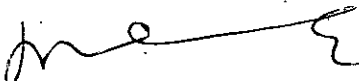
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on which he had drawn that amount till the date on which he deposits.

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 ^{if} and 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 ^{has} ~~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


1995
Deputy Registrar

C.C. today
19/4/95
TYPED BY

CHECKED BY

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 (ADMN)

DATED - - 1995.

ORDER/JUDGMENT:

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

O.A.No.

in
426/95

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.

No spare copy

