

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.169 of 1996.

Between

P.Kannayya

Dated: 8.2.1996.

Applicant

Union of India Rep. by: And

1. General Manager, S.E.Railway, Calcutta.
2. Divl. Railway Manager, S.E.Railway, Visakhapatnam.
3. Senior Divisional Mechanical Engineer(D), S.E.Rly, Visakhapatnam.
4. K.Chakravarthy.
5. P.H.Rao.

... Respondents

Counsel for the Applicant : Sri. Y.Subrahmanyam

Counsel for the Respondents : Sri. V.Bhimanna, SC for Rlys.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

The Hon'ble Tribunal made the following order:-

Notice before admission.

List on 22.2.1996. This case is also more or less similar to O.A.167/96 and O.A.168/96. Hence the order given in these OAs stands good in this case also.

List it on 22.2.1996 alongwith O.A.167/96 and O.A. 168/96.

R.S.M.
Deputy Registrar(Judl.)

Copy to:-

1. General Manager, Union of India, S.E.Railway, Calcutta-43.
2. Divisional Railway Manager, S.E.Railway, Visakhapatnam.
3. Senior Divisional Mechanical Engineer(D), S.E.Rly, Visakhapatnam.
4. Sri. K.Chakravarthy, Chargeman(A), Sr. DME(Diesel), S.E.Rly, Waltair.
5. Sri. P.H.Rao, Asst. Sub Inspector, RPF-MYD- S.E.Rly, Visakhapatnam.
6. One copy to Sri. Y.Subrahmanyam, advocate, CAT, Hyd.
7. One copy to Sri. V.Bhimanna, SC for Rlys, CAT, Hyd.
8. One spare copy.

Rsm/-

C.C.704
872/96

DDT/169/96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R. Rangarajan
HON'BLE SHRI A. B. GORTHI : MEMBER(A)

HON'BLE SHRI

DATED: 82/96

ORDER/JUDGMENT

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

IN
169/96
D.A. NO.

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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predm
objection*

*on 167
168/96*

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
प्रेषण/DESPATCH

1.2 FEB 1996 *NSD*

हैदराबाद बैचरी
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD @

M.A. 304/96 in
C.A. 169/96.

Dt. of Decision : 17-04-96.

P. Kannaiah ... Applicant.

Vs.

1. The Union of India, Rep. by the General Manager, SE Rly, Calcutta-43.
2. The Divl. Railway Manager, SE Rly, Visakhapatnam.
3. The Sr.Divl.Mech.Engineer(D) SE Rly, Visakhapatnam.
4. K. Chakravarthy

5. P.H.Rao .. Respondents.

Counsel for the Applicant : Mr. Y.Subrahmanyam

Counsel for the Respondents : Mr. V.Bhimanna, SC for Rlys.

CORAM:

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

M.A. 304/96 in
O.A. 169/96.

Dt. of Decision : 17-04-96.

ORDER

1. As per Hon'ble Shri R. Rangarajan, Member (Admn.)

Heard Shri Y. Subrahmanyam, learned counsel for the applicant and Shri V. Bhimanna, learned counsel for the respondents.

2. OA.169/96 was disposed of by the order of this Tribunal dated 06-03-1996, as per that order the representation of the applicant in regard to his transfer should be disposed of by R-1 preferably within 21 days from the date of receipt of the representation and in any case on or before the expiry of one month from the date of receipt of the representation. It is further directed that till the representation ^{is} disposed of the applicant should be granted leave if he applies for the same in accordance with rules.

3. This MA is filed stating that the applicant has submitted a leave application but the same is not sanctioned by the Sr.Divisional Mechanical Engineer (D), Waltair, ~~but his~~ leave application had been forwarded to the Loco Foreman (D) Baripada, Orissa and it is also submitted that his leave salary is also not paid. In view of the above, the applicant in this MA prays for sanction of the leave by Sr.DME (D) himself and payment of salary in the Waltair Diesel Shed itself instead of going to Baripada for collecting the leave salary.

[Signature]

4. In the order dated 06-03-96 this Tribunal has not prevented the Sr. DME(D) Waltair to sanction the leave but ~~had~~ ^{and alwad} also not prevented the Sr.DME(D)Waltair to pay him the leave salary if he is due, ~~but~~ for some un-known reason the leave application had been ~~forwarded~~ to Baripada for sanction and also the applicant was asked to take the leave salary at Baripada. The above action of Sr.DME(D) Waltair ~~to~~ appears ^{to} be improper.

5. The representation addressed to R-1 in the OA is still pending. ~~So~~ it is in order if the applicant is sanctioned leave by the Sr.DME(D) himself and the payment is also made at Waltair. If the Sr.DME(D) feels that he cannot sanction the leave as prayed for, he has got ample powers to sanction the leave provisionally subject to ~~the~~ ratification later. Similarly if the last pay certificate had already been despatched to Baripada, ~~to~~ Sr.DME(D) can provisionally pay the salary on the basis of last pay drawn ^{Shed,} by the applicant before he is relieved from Diesel ^{Waltair}. The Sr.DME(D) ~~being~~ being a Sr.Executive may not be aware ^{of} ~~these~~ instructions. As I said earlier, the action of the ~~xx~~ Sr.DME(D) in forwarding the leave application to Baripada and also asking the applicant to take the salary at Baripada ~~to~~ appears to be an improper action.

6. In view of the above, the following direction is given in the MA:-

The leave of the applicant has to be sanctioned by the Sr.DME(D) Waltair if required provisionally subject to ~~the~~ ratification later. If the leave records are not available to check, the availability of leave, payment ~~and~~ ^{now} leave sanctioned can be withdrawn subsequently on the basis of ~~that letter~~. The ^{but leave chart} *jurisidically*

applicant should also be paid the leave salary on the basis of last pay drawn by him before his relief to Baripada. If any excess or shortage is involved, the same can be get adjusted subsequently when his representation is disposed of and he takes charge at the appropriate Shed.

7. The MA is directed -----.

One

(R. Rangarajan)
Member(Admn.)

Avril 13-96
D.R (Jdt.)

Dated : The 17th April 1996.
(Dictated in Open Court)

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Copy to:-

1. The General Manager, Union of India, S.E.Railway, Calcutta
2. The Divisional Railway Manager, S.E.Railway, Visakhapatnam
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED:

17/4/96

ORDER/JUDGEMENT

M.A.NO/R.A/C.A.No. 304/96

IN
D.A.NO. 169/96

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NO Space (copy)

