

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO. 183 of 1996.

Between

Dated: 8.3.1996.

A.R.S.Vittal Rao

... Applicant

And

1. The Chairman, Central Water Commission, Sewa Bhavan, R.K.Puram, New Delhi.
2. The Director General, National Water Development Agency, Community Centre, Saket, New Delhi.

... Respondents

Counsel for the Applicant : Sri. A.R.S.Vittal Rao(P-I-P)

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

O.A. 183/96.

Dt. of Decision : 08-03-96.

ORDER

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

Heard Shri A.R.S.Vittal Rao, Party-in-person and Shri N.R.Devaraj, learned counsel for the respondents.

2. The applicant in this CA who was working as Assistant Director in Central Water Commission, Hyderabad

~~was sent~~ ^{on deputation to} National Water Development Agency when he was ~~deputed to that organisation~~. He was released from NWDA on 10-08-87 and he joined CWC on 28-12-87. At the time of his ~~rejoining~~ he was posted as ~~As~~ Assistant Director. Subsequently he was promoted as Executive Engineer in CWC with effect from 10-09-1993 AN. He retired from service in that capacity on 31-12-1993.

3. When he was relieved from NWDA and before joining CWC he was reported sick for about four and half months.

~~That~~ leave period was not yet regularised in accordance with rules. In view of this his leave salary has been withheld.

~~Neither of his organisations~~ ^{are} wanting to take a decision

in regard to regularisation of the above said sick period.

The applicant relies on the letter No.5/40/82-Estt.1, Government of India, Ministry of Irrigation, New Delhi dated 22nd June 1983 wherein it is stipulated in para-13 "the period of their foreign service will commence on the dates on which they hand over

78

- 3 -

charge of the post held under the Central Water Commission and end on the dates on which they assume charge of a post under the Central Water Commission". But the NWDA is not taking any decision though the conditions/quoted above existed. The CWC also noting the same rule asked the NWDA to take a decision in this connection as can be seen from Annexure A-4 (Letter No.1/95/80-E-III/55-56 dated 15th Feb. No.AR/6/94. 1989). The applicant has submitted representation/dated 22-12-1996(Annexure-A-12)/ which is relevant to this issue. A copy of this representation has been docketed to the Secretary, Ministry of Water Resources, New Delhi, for giving necessary direction.

4. This OA is filed for a direction to the respondents No.1 & 2 to sanction 124 days commuted leave followed by the joining time from 14-12-87 to 23-12-87 on Medical grounds from 10-08-87 to 13-12-87/with permission to suffice public holidays ^{from} 24th December, 1987 with 18% interest from due date of payment ^{of} ~~entitlement of leave~~ ^{due} ~~for~~ ^{allowance}

5. In view of this, it is necessary that a direction has to be given to the Secretary, Ministry of Water Resources to look into this issue and advise either the department to take a decision in this connection and advise the applicant within a period of six months from the date of receipt of a copy of this order.

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Copy to:-

- 1- The Chairman, Central Water Commission, Sewa Bhavan, R.K. Puram, New Delhi-66.
2. The Director General, National Water Development Agency, Community Centre, Saket, New Delhi-17.
3. Secretary, Ministry of Water Resources, Shram Shakti Bhavan, Govt of India, Rafi Marg, New Delhi-001.
4. One copy to Sri. A.R.S.Vittal Rao, (PIP), 16-2-146/33, Akbar Bagh, Malakpet, Hyd-36.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

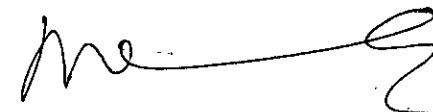
Rsm/-

S.C.R

6. In the result, the following direction is given:-

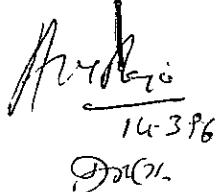
The Secretary, Ministry of Water Resources, New Delhi should examine this issue and advise the concerned department to take a decision in regard to the regularisation of the leave period of the applicant quoted above within a period of six months from the date of receipt of a copy of this order. // Office should send a copy of this OA along with the judgement to the Secretary, Ministry of Water Resources, New Delhi by RPAD at the cost of the applicant. The applicant should give the correct address of the Secretary, Min. of Water Resources so that it will reach the department in time.

7. The OA is ordered accordingly at the admission stage itself. No costs.



(R. Rangarajan)
Member (Admn.)

Dated : The 8th March 1996.
(Dictated In Open Court)


14-3-96
D.M.
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A. B. THAKUR : MEMBER(A)

~~HON'BL'D SHRI~~

DATED: 8/3/96

ORDER/JUDGMENT

M.A. NO. / R.A. / C.A. NO. >

14

183/96

D.A. NG.

ADMITTED AND INTERIM DIRECTIONS ISSUED

~~ALLOWED~~

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED, REJECTED

NO ORDER AS TO COSTS

— 10 —

No Spare Copy

वेदोंमध्ये प्राचारनिक अधिकरण

Central Administrative Tribunal
RECEIPT/DESENCH

हैदराबाद न्यायपीठ
HYDERABAD BENCH

vote
Copy of the
sent to Langtry
July next to R. B.
by D. B. D. with
affectionate regards

74

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 464/97 in OA 183/96

DT. OF ORDER : 09-05-1997

Between :-

ARS Vittal Rao

... .. Applicant

And

Union of India Through

1. The Chairman,
Central Water Commission,
Sewa Bhawan, R.K.Puram,
New Delhi - 110066.

2. The Director General,
National Water Development Agency,
Community Centre, SAKET,
New Delhi - 110017.

... .. Respondents

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Counsel for the Applicant : Shri ARS Vittal Rao
(party-in-person)

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A) 87
415

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)).

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.. 2.

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)).

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The applicant in the MA not present. Heard Shri N.R. Devaraj, learned standing counsel for the respondents and also perused the records.

2. This MA arises from the order passed by this Bench on 8-3-96 whereby the Secretary, Ministry of Water Resources, New Delhi, was directed to examine the question of regularisation of leave on account of reported sickness of the applicant during the year 1987, and ^{to} communicate a decision within 6 months from the date of receipt of a copy of the said order. In compliance with this, the ~~Central Water Commission~~ Central Water Commission sent 2 detailed letters on 20-3-97 and 11-4-97.

3. The applicant in this MA is aggrieved about the suggestion/ proposal made by the respondents for sanction of half pay leave/ EL on MC which, according to him, cause him great hardship.

4. This matter is not fit for adjudication. The M.A. can lie in a finally-disposed of case. Applicant may, if he so chooses, submit a representation to respondents stating his claim and grounds thereof, including, if necessary, the difficulties he may experience if Half Pay Leave is granted, and the same may be examined as per rules and a reply may be given to the applicant within 90 days from the date of receipt of the said representation, if submitted.

J. B. A/P

M.A. 464/97

77

To

1. The Chairman, Union of India,
Central Water Commission,
Sewa Bhavan, R.K.Puram, New Delhi-66.
2. The Director General,
National Water Development Agency,
Community Centre, SAKET, New Delhi-17.
3. ~~Mr. M. S. Rao, Party-in-person, CAT.Hyd.~~
4. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
5. One copy spare.

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Self
16/97

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TYPED BY

CHECKED BY

COMPIRED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 9 - 5 - 1997

ORDER/JUDGMENT

M.A./R.C./C.L.No. 664/97

in

O.A.No.

183/96

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

Central Administrative Tribunal

HYDERABAD BENCH

pvm

10 JUN 1997

HYDERABAD BENCH