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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.855/96.

Date of order : 22.7.1996.

Between

Rajendra Pal

.. Applicant

And

1. The Union of India,
Rep. by the Secretary,
Ministry of Defence,
Govt. of India,
New Delhi.

2. The Controller General of
Defence Accounts,
New Delhi.

3. The Controller of
Defence Accounts,
No.1, Staff Road,
Secunderabad-500009.

.. Respondents

Counsel for the Applicant

.. Shri J.V.Lakshmana Rao

Counsel for the Respondents

.. Shri V.Rajeswara Rao,
CGSC

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A) *Q*

Order


(Per Hon'ble Shri Justice M.G.Chaudhari, Vice-Chairman)

The impugned order passed by the Controller of Defence Accounts on 8.10.87 is fully consistent with F.R.54-A(2) (i) - Having regard to the facts ^{that} the order of removal from service was set aside by the Tribunal on a technical ground and the applicant was not exonerated on merits. Looked at ^{from equity} a suitable point also as the respondents have chosen not to hold a fresh enquiry although it was left open to do so under the earlier decision of the Tribunal the impugned order cannot be described as arbitrary.

2. The learned counsel for the applicant also submitted that on reinstatement of the applicant he is not being paid the salary as would be due. In this connection it appears that since the decision as to how the period of absence is to be treated was ~~to be~~ taken on 24.4.96 necessarily the pay of the applicant ^{could} ~~was to~~ be refixed ^{only thereafter} ~~with reference to the date of~~ ~~reinstatement and~~ we have no reason to assume at this stage that the respondents ^{would not do so} ~~have declined to do so~~. The applicant will be at liberty to move the appropriate authority for refixation of the pay in the light of the ^{said} ~~impugned~~ order and also to claim ~~the~~ arrears, if any.

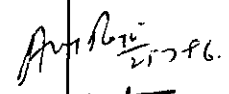
3. Subject to the above observations the O.A. is disposed of at the admission stage.


(H. Rajendra Prasad)
Member (A).


(M.G. Chaudhari)
Vice-Chairman.

Dated: .7.1996.
Dictated in Open Court.

br.


Deputy Registrar D.C.C.

O.A.895/96.

To

1. The Secretary, Union of India,
Ministry of Defence, Govt. of India,
New Delhi.
2. The Controller General of Defence Accounts,
New Delhi.
3. The Controller of Defence Accounts,
No.1, Staff Road, Secunderabad-9.
4. One copy to Mr.J.V.Lakshmana Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, Addl.CGSC.CAT.Hyd.
6. One sparecopy.
7. One copy to Library, CAT.Hyd.

pvm.

① 5/8/96

I COURT

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(1)

Dated: 22-7-1996

~~ORDER~~/JUDGMENT

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

in

O.A.No. 855/96

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.

pvm

