

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.P.No.13/2003 in O.A.No. 289/1999

Date of Order:27.03.2003

Between :

K.S.Devasahayam ... Applicant.

And

1. Sri G.R.Reddy,

The Chief Commissioner of Income Tax,
Hyderabad - I, Aayakar Bhavan,
Hyderabad.

2. Sri S.K.Mohanty,

The Commissioner of Income Tax,
Hyderabad-III, Hyderabad, A.P. ... Respondents.

Counsel for the Applicant

... Mr.P.Gangarami Reddy

Counsel for the Respondents

... Mr.B.N.Sharma

Coram :

Hon'ble Mr. S.K.Agrawal

: Member (Admn.)

Hon'ble Mrs. Bharati Ray

: Member (Judl.)

O R D E R

{Oral order as per Hon'ble Mr.S.K.Agrawal, Member (Admn.)}



C.P.13/2003 has been filed for implementation of the judgement dated 14.10.99 passed in OA.289/99. The following direction was given in the said judgement dated 14.10.99:-

"The impugned termination order No.39 Estt.98 dated 1.2.1999 (Annexure-I) is hereby set aside. The applicant should be reinstated inter-service for them. That the period from 1.2.1999 till he joins duty should be treated as leave due to him. The applicant if so advised should pass the examination within two attempts in any one of the two examinations to be held immediately after the issue of this order. In case the applicant fails to qualify in any of those examinations the respondents are at liberty to terminate the services of the applicant after giving him a notice."

2. Thereafter the matter was taken up to the High Court of A.P., but vide their judgement dated 7.11.2001 confirming the order of the Tribunal subject to the deletion of the last clause in the judgement permitting the respondents to make 2 more attempts in the departmental examinations to be held in future. The matter thereafter was taken to the Hon'ble Supreme Court in S.L.P., which was dismissed vide order dated 13.1.2002. In the meanwhile after the order of the High Court the respondents reinstated the applicant only on 13.2.2002.

3. The learned counsel for the applicant has stated that the applicant has not been granted salary as yet and the order of this Tribunal has not been implemented by the respondents in toto.

4. The learned counsel for the respondents has produced a letter dated 4.3.2003 issued by the Chief Commissioner of

Income Tax, Visakhapatnam, wherein the applicant has been granted E.L. for 145 days, Half Pay leave for 102 days and Extra Ordinary Leave for 861 days. It is also ordered in that communication that the pay and allowances for the period of Earned Leave of 145 days and Half Pay leave of 102 days should be drawn as admissible and disbursed to him.

5. In view of the above, we do not find any lapse on the part of the respondents in implementing the judgement of this Tribunal. If there is any grievance ^{ATL} left to the applicant, he should make a representation to the department and approach the appropriate forum for redressal of his grievance if so advised.

6. In view of the above CP is closed. The letter dated 4.3.2003 is taken on record.

Bharati Ray
(BHARATI RAY)
Member (Judl.)

Dated : 27th March, 2003
(Dictated in Open Court)

sd

S.K. Agrawal
(S.K. AGRAWAL)
Member (Admn.)

Day 27/03