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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1273/99

Date of Order : 7.10.99

BETWEEN :

M.Rajendran

.. Applicant.

AND

1. The Chief General Manager,
Telecom, A.P. Circle,
Doorsanchar Bhavan, Abids,
Hyderabad.

2. The Chief Engineer (Civil)
Telecom, Civil Zone,
Hyderabad.

3. The General Manager, Telecom
District, Tirupathi,
Chittoor District.

4. The Sub-Divisional Engineer (HRD),
Telecom District, Tirupathi,
Chittoor District.

.. Respondents.

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Counsel for the Applicant

.. Mr. P.Raghava Reddy

Counsel for the Respondents

.. Mr. B.N.Sharma

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADM.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (Judl.) X

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Mr. P.Raghava Reddy, learned counsel for the applicant
and Mr. M.C.Jacob for Mr. B.N.Sharma, learned standing counsel
for the respondents.

2. The applicant herein was working as Junior Engineer (Civil) in the office of the General Manager, Telecom District Tirupathi, by proceedings No. 9(9)/390, dated 26.6.97 he was transferred to Nellore Sub Division by the Superintending Engineer, Telecom Civil Zone, Hyderabad along with others. It appears, ^{that} the applicant made a representation and it was considered and the first respondent allowed the applicant ^{KK} retaining him at the same place i.e. Tirupathi by proceedings No. TAKSTA/28-5/VI, dated 28.7.97. The applicant submits that he proceeded on leave from 14.1.99 to 9.2.99 and 15.2.99 to 1.4.99 and again from 12.4.99 to 14.5.99.

3. In the meanwhile the applicant prayed for disbursement of his salary and allowances. The 4th respondent informed the applicant on 3.6.99 informing that he ^{had} already been relieved and transferred from 14.2.99 from the office and directed him to report to Executive Engineer (Civil) Tirupathi. On account of this, ~~relief~~ his pay and allowances should not be drawn in the said office.

4. The applicant submits that he made a request by telegram that he has not received any transfer order and therefore the question of ^{his} relief from Tirupathi office from 14.2.99 did not arise.

5. Hence he has filed this OA to call for the records relating to proceedings dated 3.6.99 and quash the same as illegal, arbitrary and violative of the principles of natural

justice and for a consequential direction to the respondents to pay the salary and allowances and to continue to pay the same by continuing the applicant in service.

6. On 2.9.99 this Tribunal considered the interim relief and for payment of pay and allowances It was observed that "when he is relieved and that too posted in same location, it is not understood why the applicant is not able to join in the other office. Had he joined in the other office, probably the question of non-payment of salary and allowances may not arise. In the context, we feel that the interim relief asked for is not admissible. Neither the applicant nor his counsel was present on that day when it was listed". The respondents were directed to file a reply by that order.

7. The respondents have not yet filed any reply till today.

8. However, this OA is disposed of as the applicant submits that he is without any payment which causes him undue hardship. He further submitted that he was prepared to join at any place if posting order is issued.

9. The letter dated 3.6.99 is at Annexure-4 to the OA, which indicates that the transfer order has been issued and he has/
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relieved by the Sub Divisional Engineer (H.R.D) on 14.2.99 to join where he had been transferred i.e. E.E. (Civil) Tirupathi. The applicant submits that relief order has got no meaning as no transfer order is issued to him. When the applicant submits that he is prepared to join at any place he could have taken the letter dated 3.6.99 as a transfer order and could have joined in the office of E.E. (Civil) Tirupathi. But he merely insisted he can be relieved only if the transfer order is issued.

10. The applicant could have easily reported to EE (Civil) Tirupathi on the basis of the letter dated 3.6.99 and submitting his joining report. If the applicant joined on the basis of the letter dated 3.6.99 and if the EE (Civil) Tirupathi, refused to take him to duty then he had a case to argue. But the applicant did not do so. He is just wanting his transfer orders to be handedover to him and till then he should be treated as an employee of the previous department. We feel such a submission is unwarranted and uncalled for.

11. In view of the above, the following directions ^{are} given :-

- (a) The applicant should report to the EE (Civil) Tirupati on the basis of the letter dated 3.6.99 and submit his joining report in writing to EE (Civil) Tirupati.
- (b) If EE (Civil) Tirupati refuses to take him to duty ^{then} he can take steps as he deems fit.
- (c) For the period he was away from service till he reports to the EE (Civil) Tirupati that period should be treated as leave

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to the extent admissible to him. For that he should submit a detailed representation to the concerned authorities. On that basis the pay and allowances for that period to the extent he is eligible should be paid to him in accordance with the law.

(d) If the applicant is going to be aggrieved by the ~~in pursuance of the direction of (c) the~~ reply given to him/ is at liberty to initiate such proceedings as deemed fit.

1a. OA is ordered accordingly. No costs.

Signature
(B.S. JAI PARAMESHWAR)
Member (Jud. L.)

Signature
(R.RANGARAJAN)
Member (Admn.)

Dated : 7th October, 1999

(Dictated in Open Court)

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