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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No. 439/1994

Date of order: 24.2.1999

M.H.Siddiqui S/o Shri H.R.Siddiqui, resident of G-1, P&T Quarters, Behind G.P.O., Jaipur, working as S.G.Wireman, Asstt. Engineer Complaints (Level-3), Electronic Telephone Exchange, Jaipur.

.. Applicant

Versus

1. Union of India through Secretary Telecommunication, Ministry of Communication, Sanchar Bhavan, New Delhi.
2. General Manager Telephones, Jaipur Telephone District, Jaipur.
3. Shri S.G.Sarangal, Dy. General Manager Telecom, Jaipur Telephone District, Jaipur.

.. Respondents

Mr. K.S.Sharma, counsel for the applicant

Mr. V.S.Gurjar, counsel for the respondents

CORAM:

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. Ratan Prakash, Judicial Member

The applicant herein has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 to seek a direction to cancel the order as per direction of respondent No.2 as at Ann.A2 dated 19.8.94 with a further prayer to take the applicant on duty in Level-3, Electronic Telephone Exchange, Jaipur and to treat him on duty w.e.f. 13.8.94 till his joining the place of duty in pursuance of the order dated 13.8.94 as at Ann.A1.

2. The respondents have opposed this application by filing a written reply to which no rejoinder has been filed.

3. The stand of the respondents has been that the applicant was duly

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intimated to join his duties as per the order dated 13.8.94 as is evident from the directions issued on the applicant's application dated 31.8.94 (Ann.R4) but the applicant did not report for duty accordingly, instead he joined his duties only after the office order dated 23.9.94 issued by the Senior Sub Divisional Engineer (R&E) Office of the GMTD, Jaipur (Copy produced by the applicant during the arguments). It has, therefore, been urged on behalf of the respondents that the applicant is not entitled for any salary for the aforesaid period between 13.8.94 till the date of his joining duties in pursuance of the office order dated 23.9.94.

5. I heard the learned counsel for the parties and have perused the record in great detail.

6. From a perusal of the documents brought forth so far, it is evident that the respondents did not issue any specific memo to the applicant even after he moved an application to the Divisional Engineer on 31.8.94 (Ann.R4). Merely a reference by the applicant in his application dated 31.8.94 that if he is allowed to join, his leave would not go as waste which cannot be constituted to mean that the applicant himself was responsible for not joining his duties in pursuance of the order of his transfer dated 13.8.94 (Ann.A1).

7. Consequently, the OA succeeds and the respondents are directed to make the payment of salary to the applicant for the period falling between 13.8.94 till his actual date of joining duties after the respondents order dated 23.9.94, which appears to have been issued in compliance of the directions given by this Tribunal on 20th September, 94. The respondents shall make the aforesaid payment to the applicant within one month from the date of receipt of a copy of this order.

8. The OA stands disposed of accordingly with no order as to costs.



(RATAN PRAKASH)

Judicial Member