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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH
JAIPUR.

O.A. No. 600/94.

Date of Order 22.5.1995.

Manoranjan Das

.....Applicant.

Vs.

Union of India & others

.....Respondents.

COPAM: HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.
HON'BLE MR. C.P. SHARMA, ADMINISTRATIVE MEMBER.

For the applicant - Mr. S. Kumar, advocate.

For the respondents - Mr. Manish Bhandari, advocate.

O R D E R (ORAL)

(Hon'ble Mr. Gopal Krishna, Vice Chairman)

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Applicant, Manoranjan Das, has filed this Application under Section 19 of the Administrative Tribunals Act, 1985, claiming a direction to the respondents to take him on duty and pay his due salary with all consequential benefits treating the intervening period as spent on duty.

2. We have heard the learned counsel for the parties.

3. The contentions of the applicant are that he was appointed as Jeep Driver on 22.10.1992 at Gangapur city under CPWI (North), Kota in the Western Railway. He was granted temporary status on 22.3.1993. The post of Jeep Driver is a Group 'C' post and it carries a scale of Rs. 950-1500. The applicant was transferred from Gangapur city to Bayana vide Annexure A/1 and after he had reported to the Respondent No. 4 and stated to him that the Respondent No. 5 had

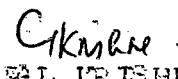
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issued a letter dated 10.9.94 stating that if the applicant is to be posted, as Truck Driver, a Truck should be made available to him first otherwise he shall not be taken on duty. In view of this fact, the respondents are not taking him on duty nor he is being paid his due salary and allowances. This action of the respondents is assailed on the ground of arbitrariness.

4. The reply of the respondents shows that the applicant has already been taken on duty pursuant to order dated 25.11.94 passed by the Administration. Since the applicant was not taken on duty for no fault of his own, he is entitled to pay and allowances for the intervening period as admissible under rules.

5. In the result, this Application is allowed and the respondents are directed to make payment of pay and allowances to the applicant for the intervening period, if the same has not been made so far, within a period of two months from the receipt of a copy of this order.


(O.P. SHARMA)
ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

MS