

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 7.9.1999

OA 362/99

Smt. Suman Sharma w/o Shri Mahendra Pratap Sharma r/o 11, Nidhi Vihar, Jyoti Nagar, Jaipur.

... Applicant

Versus

1. Union of India through Central Provident Fund Commissioner, 14, Bhikaji Kama Place, New Delhi.
2. The Regional Provident Fund Commissioner, Nidhi Bhawan, Jyoti Nagar, Jaipur.
3. Shri J.K.Koli, Regional Provident Fund Commissioner, Nidhi Bhawan, Jyoti Nagar, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. Manish Bhandari

For the Respondents

... Mr. N.K.Jain

O R D E R

PER HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant, Smt. Suman Sharma, has prayed for a direction to quash the relieving order dated 9/12.7.99 in respect of the applicant and further that the respondent may be directed to allow the applicant to work on her post of Hindi Translator Grade-II at Jaipur itself. It is also prayed that she may be treated as continuously joining the office at Jaipur and to allow her to join her duties every day after the order dated 9/12.7.99.

2. We have heard the learned counsel for the parties and have carefully perused the records.


3. The applicant alongwith certain other persons was promoted as Hindi Translator Grade-I and transferred from Jaipur to Madurai (Tamil Nadu) vide Annexure A-3 dated 2.7.99. In the order dated 2.7.99 it is mentioned that an employee should be relieved within three days of the receipt of the order. It is stated on behalf of the applicant that she received a copy of this order on 7.7.99 and immediately thereafter on 9.7.99 she submitted an

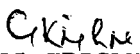
Critique

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application to the Regional Provident Fund Commissioner (for short, RPFC) indicating therein that she will forego the promotion. It is observed that this letter was received in the office of the RPFC on 9.7.99. However, the applicant was relieved on 9.7.99 itself. Subsequently, she was retained as Hindi Translator Grade-II on non-acceptance of promotion vide Annexure R-19 dated 27.7.99. By an interim direction given by this Tribunal on 30.7.99, the respondents were directed to allow the applicant to work on the post of Hindi Translator Grade-II in the office of respondent No.2 and accordingly she was permitted to join duty at Jaipur on 2.8.99. In the peculiar circumstances of the case, we are of the view that the intervening period from 9.7.99 to 1.8.99 may be treated as spent on duty.

4. In the circumstances, the present application is disposed of with a direction to the respondents to treat the intervening period from 9.7.99 to 1.8.99 as spent on duty by the applicant as Hindi Translator Grade-II for all purposes. No order as to costs.


(N.P.NAWANI)
ADM.MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK