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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.105 of 1997.

Date of Order : This the 8th day of September, 1999.

Hon'ble Mr Justice D.N.Baruah, Vice-Chairman.

Hon'ble Mr G.L.Sanglyine, Administrative Member.

Smt Lila Chakraborty,
C/O Sri Saroj Roy,
Ganaraj Choumuhani, Lakshmi Narayanbari
Road, Banamalipur,
P.O. Agartala (Tripura) . . . Applicant.

By Advocate Sri M.Chanda.

- Versus -

1. Union of India
represented by the Secretary
to the Govt. of India,
Ministry of Communication,
New Delhi.
2. The Telecom District Manager,
Tripura Division,
Agartala,
3. The Superintendent,
Telegraph Traffic,
Tripura Division,
Agartala. . . . Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMN.MEMBER,

The applicant is a Sr.T.M.(T) of Central Telegraph Office, Agartala. By order dated 27.3.1997, Annexure-1 she was deputed to D.T.O., Kailashahar for 30 days with effect from 6.4.1997 issued by the Superintendent, Telegraph Traffic, Tripura Division, Agartala. According to the order she stood relieved from the office in the afternoon of 4.4.1997 with direction to report to Kailashahar on 6.4.1997. The applicant did not comply with the order and she applied for leave. Commuted leave of 20 days with effect from 3.4.1997 was granted. It was directed that on expiry of leave she will report to Kailashahar with fitness certificate. She did not comply with


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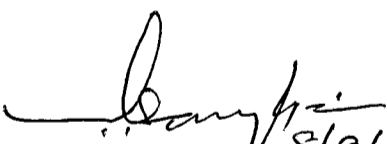
this order dated 3.4.1997, Annexure-3, also. She applied for further leave and she was granted commuted leave from 23.4.1997 to 7.5.1997 by order dated 24.4.1997, Annexure-4. She was also directed to report to i/c D.T.O., Kailashahar on deputation for 30 days with effect from 8.5.1997. The applicant did not carry out this order also. In the meantime on 9.4.1997 she submitted representation to the Chief General Manager, Telecom., North East Circle, Shillong to intervene in the matter in her favour. This representation was forwarded to the T.D.M., Agartala Tripura by the Superintendent, Telegraph Traffic, Central Telegraph Office, Agartala by letter dated 17.4.1997, Annexure-6 stating that the order dated 3.4.1997 would remain operative till instruction is received from the T.D.M. Thereafter, the applicant submitted this Original Application. In this application the applicant has prayed for setting aside the order dated 27.3.1997 and corrigendum dated 27.3.1997, Annexure-1 and 1.A respectively, and for a direction to the respondents to allow her to resume duties. Further, that she should be treated as on duty from 7.5.1997 till the date of submission of this application. The respondents have contested the application by submitting written statement. Mr A. Deb Roy, learned Sr.C.G.S.C appeared on behalf of the respondents and supported the contentions of the respondents.

2. Heard Mr M.Chanda, learned counsel for the applicant and Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents. On hearing the counsel, perusal of the application and the written statement, we find that no relief as prayed for can be granted to the applicant. The applicant has not contested against the final order No.STA-1/LC/KSR/97-98 dated 24.4.1997, Annexure-4. On the other hand she contested the order dated 27.3.1997 at Annexure-1 and 1.A. The order dated 24.4.1997

clearly directed her to report to the i/c D.T.O., Kailashahar on deputation for 30 days with effect from 8.5.1997 in the exigencies and interest of service. This in our opinion is a fresh order independent of the earlier order including the order dated 17.4.1997 which took effect after the expiry of the earlier 30 days stipulated in Annexure-1 order. Again the respondents had clearly stated in para 18 of the written statement that her absence from 8.5.1997 to 14.8.1997 was treated as unauthorised absence by order No.P-104/LC/97-98 dated 14.8.1997. The applicant has not challenged this order. In this application therefore we are unable to consider whether the period from 8.5.1997 to 14.8.1997 may be treated as on duty. However, if the applicant has not still assumed her duty she may approach the competent authority of the respondents within 10 days from the date of receipt of this order to allow her to resume duty and on receipt of such request the respondents shall immediately consider to allow her to resume duties in Agartala, as the 30 days period had already expired. Regularisation of her service after 14.8.1997 may be considered by the respondents according to rules.

Application is disposed of. No order as to costs.


(D.N.BARUAH)
VICE CHAIRMAN


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER
8/9/99