

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

O.A. No. 446/2003
with
O.A. No. 447/2003

Jabalpur this the 14th Day of November, 2003

HON'BLE SHRI SARWESHWAR JHA, MEMBER (A)
HON'BLE SHRI BHARAT BHUSHAN, MEMBER (J)

Sudhmandan Nhatarkar,
son of Shri Annu Nhatarkar.
Choukidar,
R/o Tractor Nagar,
Budhni, District Sehore,
M.P.

... Applicant

O.A. No. 447/2003

Keshav Prasad Panika,
S/o Shri Ramavatar Panika,
R/o Tractor Nagar,
Budhni, District Sehore,
Madhya Pradesh

... Applicant

Versus

1. Union of India
Through Secretary,
Ministry of Agriculture,
Government of India,
Krishi Bhawan,
New Delhi-110 001.

2. The Director,
Central Farm Machinery Training &
Testing Institute,
Ministry of Agriculture,
Tractor Nagar Post Office
Budhni District Sehore,
Madhya Pradesh

... respondents
in both OAs.

(By advocate : Shri S.A. Dharmadhikari)

O R D E R (Oral)

By Hon'ble Shri Sarweshwar Jha, Member (A)

Heard the learned counsel in both the
O.As.

2. The applicants have prayed for being

relieved so as to join the new posts for which they have also sought lien in the present post for two years.

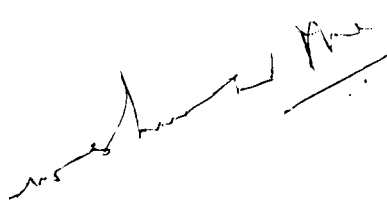
3. At the very outset, the learned counsel for the applicant has informed that the applicants have since been relieved to join the new posts and the same has been confirmed by the learned counsel for the respondents ~~has also confirmed~~ that the applicants have been relieved to join their new posts on 7.7.2003 by Respondent No. 3. It is, however, submitted by the learned counsel of the applicant that the matter relating to lien is, however, yet to be sorted out by the respondents. In this connection, he has referred to the instructions of the Ministry of Home Affairs as placed at Annexure A-12 and has submitted that the applicants may be allowed to retain their lien against their previous posts in the parent Organisation for two years as provided for under the said instructions.

3. The learned counsel for the respondents has, however, submitted that this aspect of the matter will need to be looked into by the respondents in consultation with the authorities concerned and it may take some time. He has

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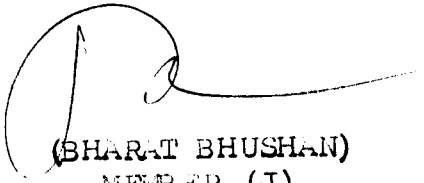
also submitted that their reply to this OA has been prepared and has been sent for vetting by the Ministry of Law. However, as major relief prayed for by the applicants has already been granted by the respondents and only the matter relating to lien needs to be considered/decided, and which will take considerable time, as it involves consultation with the authorities concerned, it is observed that these two OAs need not be kept pending for a formal reply being submitted by the respondents.

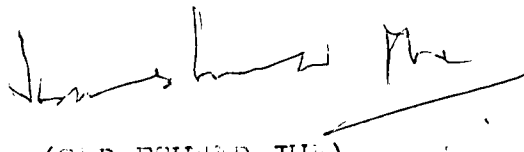
4. We have, accordingly, considered the facts and circumstances of the case and also have perused the materials available on record, and after having heard the learned counsel for the applicant and the learned counsel for the respondents, we are of the considered opinion, keeping in view the fact that major relief has already been granted by the respondents to the applicants by relieving them to join the new posts, that the remaining relief regarding retention of lien in respect of the applicants may be settled by the respondents with reference to the relevant instructions on the subject including the one as has been placed at Annexure I by the applicants. In order to



facilitate early decision by the respondents, leave is granted to the applicants to file a fresh representation on the subject relating to lien and which shall be considered and decided by the respondents within a period of three months from the date of receipt of a copy of this order by issuing a reasoned order in accordance with rules on the subject.

5. With this, these two OAs are disposed of in terms of the above directions, with no order as to costs.


(BHARAT BHUSHAN)
MEMBER (J)


(SARMESHWAR JHA)
MEMBER (A)

Mittal