

**Central Administrative Tribunal
Principal Bench**

OA No.2104/2017

New Delhi, this the 16th day of November, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

Rajeev Shrivastava, Aged 52 years
S/o Late O.P. Shrivastava
Defence Estates Officer
(Indian Defence Estates Service)
Jabalpur Circle, Near Defence Cinema
Jabalpur Cantt. (M.P.)-482001. ... Applicant

(By Advocates: Shri R. Bala Subramanian and Shri
Santosh Kumar)

Versus

1. Union of India through its Secretary
Ministry of Defence
South Block,
New Delhi-110011.
2. Director General, Defence Estates
Raksha Samapda Bhawan
Ulaanbaatar Marg, Delhi Cantt-110010.
3. Cabinet Secretary, Cabinet Secretariat
Government of India
Rashtrapati Bhawan
New Delhi-110001.
4. Shri Balsharan Singh
Aged about 64 years
Father's name not known to the applicant
B-691, Second Floor,
Metro View Apartment
Sector 12, Dwarka,
New Delhi-110075. ... Respondents

(By Advocate: Shri Vijender Singh)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant is in the Indian Defence Estates Service. He was placed under suspension in the year 2009, while at Bangalore. That, in turn, was revoked with the intervention of the Tribunal. After reinstatement, he was posted at Goa, and once again after intervention of the Tribunal, he was posted in Jabalpur.

2. This OA is filed with a prayer to direct the respondents to pay the salary for various spells between 13.09.2011 to 24.09.2012. The applicant contends that for no fault of him, the emoluments were denied to him.

3. The respondents filed a detailed counter affidavit opposing the OA. It is stated that subsistence allowance was paid for the period during which the applicant was under suspension and regular salary was paid after he reported for duty.

4. We heard Shri R. Bala Subramanian with Shri Santosh Kumar, learned counsel for the applicant and Shri Vijender Singh, learned counsel for the respondents.

5. The applicant has several court cases to his credit and this is one such. Here again, the relief is claimed in

several parts covering various periods. It is not necessary to deal with the various aspects in detail, on account of the development that has taken place during the pendency of the OA.

6. It is stated that the Assistant Director General (Admin.), Defence Estates, submitted a detailed note dated 15.02.2016 referring to various instances and litigations referable to the applicant and ultimately recommended certain measures, such as treating of the period of absence as spent on duty or payment of emoluments. We are of the view that the competent authority can take the same into account and pass appropriate orders.

7. We, therefore, dispose of the OA directing that the appointing authority of the applicant shall take into accounts the Note dated 15.02.2016 said to have been submitted by the Assistant Director General (Admin.), Defence Estates and pass appropriate orders duly examining the acceptability thereof, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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