

THE HON'BLE SRI JUSTICE K.C. BHANU
AND
THE HON'BLE MRS JUSTICE ANIS

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WRIT PETITION No.15436 OF 2013

ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Petition is filed challenging the order, dated 14.2.2013, in O.A.No.508 of 2011 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, "the Tribunal").

2. For the sake of convenience, the parties are hereinafter referred to, as they are arrayed before the Tribunal.

3. The applicant filed the aforementioned Original Application before the Tribunal to call for the records relating to and connected with order No.SPP/A1/Re-deployment/Surplus Emp./19/5080, dated 18.2.2011, issued by respondent No.4, and further Order NSTL/EST/003/A&A/RECT/C, dated 11.3.2011, issued by respondent No.5, and to quash and set aside the same insofar as he is concerned by holding the same as illegal and arbitrary, and consequently, to direct the respondents to retain him at the office of respondent No.4 - Security Printing Press (S.P.P.), Hyderabad where he was presently working with all consequential benefits.

4. The Tribunal, upon considering the material on record, disposed of the aforementioned Original Application holding as under:

"... As such it is the duty and responsibility of the 5th respondent to treat the services of the applicant in their organization on relieving him by the 4th respondent on 26.03.2011 and thus a direction is required to the 5th respondent for taking the applicant into service and to pay salary till now, treating him as their employee. The applicant is also directed to join with the 5th respondent for duty on submitting joining report within two weeks from the date of the receipt of the order.

With the above direction to the applicant, 5th respondent is directed to allow the applicant for joining into their service and also for payment of pay and allowances to the applicant from the date of his relieving date 25/26.03.2011 with 4th respondent (SPP) till now with liberty to the 5th respondent to take the services of the applicant either at their office or their head office after passing orders to such extent. This entire exercise shall be completed within 45 days from the date of receipt of a copy of this order. In the result, OA is disposed of accordingly. No order as to costs."

Challenging the said order, Government filed the present writ petition.

5. Heard both sides.

6. From the material on record, it is clear that the applicant was relieved from the services of the S.P.P., Hyderabad with effect from 26.3.2011 for joining in the post of Civilian Driver 'A' in the office of respondent No.5 - Naval Science and Technological Laboratory, Defence Research & Development Organization, Visakhapatnam. In the meantime, he was advised by respondent No.5 to contact the Director, Advanced System Laboratory (A.S.L.), Hyderabad for further action. Thereafter, respondent No.5 expressed its inability for retaining the applicant on rolls as there is no immediate vacancy. It is not in dispute before this Court that the applicant submitted a letter, dated 25.4.2011, stating that A.S.L., Hyderabad is not allowing him to join in the duty and requested the S.P.P. to allow him to continue in the service of S.P.P., Hyderabad. So, from the material on record, it is clear that the applicant was not at all at fault in reporting duty before respondent No.5. Therefore, he is entitled to the pay and allowances from the date of his relieving from service i.e., on 26.3.2011. The letter, dated 13.5.2011, of S.P.P. clearly goes to show that A.S.L. or other D.R.D.O. units located at Hyderabad may be advised to take the applicant on duty immediately without any further delay as he was already relieved from S.P.P. on 26.3.2011 on redeployment basis and that his pay and allowances from 26.3.2011 onwards may also be drawn and paid. After elaborate consideration of the material on

record, the Tribunal rightly passed the order impugned and there is no illegality in passing that order. Hence, we find no ground to interfere with the impugned order. The Writ Petition is devoid of merit and is liable to be dismissed.

7. The Writ Petition is, accordingly, dismissed. The applicant is entitled to all the benefits as per Rules and the period from the date of his relieving from duty till the date of posting order shall be treated as any leave applicable to him. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE K.C. BHANU

JUSTICE ANIS

Date: 26.6.2015
AMD

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THE HON'BLE SRI JUSTICE K.C. BHANU
AND
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