

Supreme Court of India

Rabindra Kumar Battick And Anr. vs State Of Orissa And Ors. on 7 November, 1997

Equivalent citations: (1998) 8 SCC 769

Bench: S Agrawal, G Nanavati

ORDER

1. Delay condoned.
2. Special leave granted,
3. We have heard Shri Janaranjan Das, the learned counsel for the appellants.
4. The appellants were untrained teachers employed in Upper Primary School which was initially a private school but was subsequently taken over by the Notified Area Council, CT Rourkela. As the appellants were untrained, they were sent to undergo the CT training course. After completing the training course, they were not allowed to join their respective posts. They filed OAs Nos. 141 and 142 of 1990 before the Orissa Administrative Tribunal (hereinafter referred to as "the Tribunal") which were disposed of by the Tribunal by its judgment dated 4-7-1995. The Tribunal allowed the said applications and directed that the applicants' joining reports be accepted with effect from the date they submitted the same to the Executive Officer of the Notified Area Council, Respondent 4 herein, and they be deemed to be continuing in service for the purpose of seniority, pension, etc., but they would not be entitled to back salary. Feeling aggrieved by directions regarding denial of back salary, the applicants filed review petitions which were dismissed by the Tribunal by order dated 6-11-1995. Both these orders have been challenged by the appellants in these appeals.
5. Having regard to the fact that after completing the training the appellants had reported for duty but they were not taken back on duty, it cannot be said that the appellants were at fault. They were not taken back on duty on account of the erroneous action of Respondent 4. The Tribunal was, therefore, not right in denying salary to the appellants for the period from the date when they reported for duty after completing the training till they were taken back on duty in pursuance of the directions contained in the judgment of the Tribunal dated 4-7-1995.
6. The appeals are accordingly allowed, the direction given by the Tribunal that the appellants would not be entitled to back salary is set aside and it is directed that the appellants shall be paid the salary for the period from the date when they reported for duty after completing training till they were taken back on duty. The said payment shall be made within six months. No order as to costs.