

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK,**

**ORDER SHEET**

COURT NO. : 1

29/01/2020

O.A./260/765/2014

M.A./260/72/2020

JANAKAR PATRA

-V/S-

M/O RAILWAYS

ITEM NO:11

FOR APPLICANTS(S) Adv. : Applicant is present in person

FOR RESPONDENTS(S) Adv.: Mr. S. Barik

Notes of The Registry	Order of The Tribunal
	<p>Heard the applicant appearing in person and learned counsel for respondents. Applicant submits chronology of events and date chart of this OA pertaining to sanction of leave for 90 days period of different dates as stated in paragraph 8 of the OA. Applicant has also submitted the details of dispute which has resulted in issue of punishment order compulsorily retiring the applicant vide order dated 05.04.2016, copy of which has been filed by Learned counsel for respondents in his memo dated 19.09.2016. The applicant submitted that he has not received any copy of the punishment order compulsorily retiring him from service and that he is not being allowed to join his duties and he was not allowed legitimate service benefits. Those are disputes cannot be adjudicated in this OA and the applicant will be at liberty to take appropriate action under the law.</p> <p>In this OA, the grievance that can be considered relates to sanction of leave by the authorities for a total period of 90 days as per the rules.</p>

Learned counsel for respondents submitted that as stated in his counter, the applicant has refused to receive copy of orders, transfer as well as other orders as passed by the authorities. The applicant has filed OA for release of 90 days of salary after sanction of leave. It is also submitted in para 15 of the counter that leave cannot be claimed by the applicant as matter of right and that the applicant was under unauthorized absence during the period in question.

It is seen that the counter does not mention anything about any decision that has been taken in respect of the leave applications submitted by the applicant copy of which is furnished vide Annexure-A/5 series along with copy of the medical certificates.

In view of the above position, the OA is disposed of with direction to the Respondent No. 2/competent authority to consider the applications at Annexure-A/5 series of the OA, treating these applications as submitted before the authority and take appropriate decision for sanction of leave for the period as mentioned in the application as per the provision of rules and release the salary for the said period if the leave for the period in question is sanctioned and inform the applicant about the decision taken within one month from the date of receipt of copy of this order.

It is hoped that the authorities will consider the matter sympathetically since the matter is quite old and the applicant has not received service benefits including pensionary benefits as per the rules as submitted by him at the time of hearing today.

Copy of the order to applicant and learned counsel for the respondents.

( GOKUL CHANDRA PATI)  
MEMBER (A)

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