

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 138 OF 2001

NEW DELHI, This The 9th Day of May, 2001.

HON'BLE SHRI KULDIP SINGH, MEMBER (J).

Sh. K.P. Gupta
S/O late Sh. Munna Lal Gupta,
R/o WZ-648, Sri Nagar,
Shakurbasti
Delhi. Applicant
(By Advocate: Shri M.K. Gupta)

VERSUS

1. Govt. of NCT of Delhi.
through kits Chief Secretary,
5, Sham Nath Marg,
Delhi-10054.
2. The Director,
Prevention of Food adulteration,
Govt. of NCT of Delhi
A-20, Lawrence Road Industrial Area,
Delhi-110035
3. The Director of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi-110054.
4. The Commissioner,
Food & Supplies,
Vikas Bhawan,
Govt. of N.C.T. of Delhi.
I.T.O., New Delhi, -110002.
(By Advocate: Shri ~~Ajesh~~ Luthra) ... Respondents

O R D E R (ORAL)

The applicant has filed this OA under section 19 of the A.T. Act, 1985, whereby he is aggrieved by the arbitrary and illegal action of the respondents.

2. The facts in brief that the applicant was appointed as LDC on 23.2.1970 and thereafter was promoted as UDC on 11.1.1971 after qualifying the examination and was promoted as Head Clerk on 19.6.1978. In June, 1990, he was further promoted as

(2)

Superintendent and is presently working as FSO in the office of the respondent No.4 since 1998.

6

3.. He has also stated that he has worked in various departments of the respondents but while functioning in the department of respondent No.2, i.e., the Director, Prevention of Food Adulteration, Govt. of NCT of Delhi, he was compelled to proceed to leave w.e.f. 8.9.1982 to 24.12.1983 on medical grounds. He has also submitted the medical certificate but that issue has not been decided as yet.

4.. The applicant further states that because of the aforementioned action of the respondents, neither the period of leave nor increments which have fallen due since 1983 has been paid to him, which has caused serious financial distress to the applicant as such he has prayed that the present OA be allowed with a direction to the respondents to pay his increments w.e.f. 1983 onwards.

5.. The OA is being contested by the respondents. They have submitted that the applicant while working as Grade II in the respondent No.2's Department, remained absent w.e.f. 8.9.1982 to 24.12.1983 and his absence could not be regularised, because he was a temporary employee and the leave was not granted as per the provision of Rule 31 of CCS (Leave) Rules, 1972 and, therefore, the respondent No.2 did not regularise his absence.

[Handwritten signature]



6. It is further pleaded that the respondent No. 2 has sent his case to the Directorate of Education in the year 1989 for granting permanency as he was working then in the Education Department as such his period w.e.f. 8.9.82 to 24.12.82 could not be regularised. It is further submitted that in the year 1990, the applicant was promoted to Grade I of DASS and remained in Directorate of Education till September, 1993 but did not make any representation to the said Deptt. till 22.11.2000. Thereafter, search carried out when his representation was traced but his service book was not traceable and as such it was ordered to construct a duplicate service book.

7. It is further submitted by the respondents that they have now regularised the absence of the applicant w.e.f. 8.9.1982 to 24.12.1982 but still they plead that the OA should be dismissed.

8. I have heard the learned counsel for the parties and gone through the record of the case.

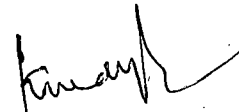
9. The only question to be decided in this case is whether the applicant is entitled to increments from 1983 or not. As the respondents themselves have regularised the period from 8.9.82 to 24.12.82, therefore, nothing remains in this application to be decided. Accordingly, the OA has to be allowed.

10. In view of the above, OA is allowed with direction to the respondents to pay to the applicants

(4)

8

the increments from 1983 onwards as per rules and consequently fix his pay within a period of three months from the date of receipt of a copy of this order. No costs.



(Kuldip Singh)

Member (J)

/MAHESH/