

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

...

O.A.No.665 of 1998

New Delhi, this 08th day of January, 1999.

HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)

Prabhu Nath  
S/o Nageshwar Sah  
R/o RZ-25, B/12, Indira Park,  
Palam Colony,  
New Delhi-45.

... Applicant

By Advocate: Ms Richa Goyal

versus

1. Govt. of N.C.T. of Delhi, through  
Chief Secretary,  
5 Sham Nath Marg,  
Delhi.
2. Director,  
Directorate of Education,  
Old Secretariat,  
Delhi.
3. Deputy Director of Education,  
Dist. South West,  
C-4 Vasant Vihar,  
New Delhi.
4. Principal,  
G.B.S.S.S. No.3,  
Palam Enclave,  
New Delhi-45.
5. Administrative Officer,  
Dist. South West,  
C-4 Vasant Vihar,  
New Delhi.
6. Principal,  
Sarvodaya Kanya Vidyalaya,  
Raj Nagar-1,  
Palam Village,  
New Delhi-45.

... Respondents

By Advocate: Shri Vijay Pandita

O R D E R (oral)

HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)

The applicant who is a Night Chowkidar in the  
school under respondent No.3 was transferred to  
another school-respondent No.6 by order dated 1.8.97

Issued by respondent No.4. It is stated that the applicant has since joined his duties in that school on 27.5.98 i.e. after filing of this OA. (15)

2. The applicant alleges that he has joined late as he has not received copy of the impugned transfer order and he also fell ill from liver abscess for which had been operated in January 1997 and for some time as a result of other complications, he again fell sick. Therefore, he could not attend duties with effect from 2.8.97.

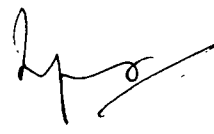
3. The MA for stay of the transfer order moved by the applicant was also dismissed as the stay had already been refused.

4. The learned counsel for the applicant submits that the applicant had furnished all the relevant medical certificates to the respondents, but they have not yet regularised the period of absence from 2.8.97 to 26.5.98 and allowed him to join in the new place of posting. The respondents have however averred that consequent on his joining at the new place of posting, his salary has already been drawn. But the only question that remains to be settled is regularisation of the period of absence from 2.8.97 to 26.5.98. The learned counsel submits that the applicant will give a fresh representation to the respondents to regularise

the period of absence and seek direction for the disposal representation within two months. The learned counsel for the respondents submits that although the pay from the day of the applicant's joining has already been disbursed to him, the period of absence will be regularised and if a representation is received in this behalf from the applicant, the respondents will consider the same in accordance with law and pass appropriate orders. (16)

5. In the circumstances, this OA is disposed of with a direction to the applicant to submit a representation along with supporting documents to the respondents for regularisation of the period of absence from 2.8.97 to 26.5.98, within a period of fifteen days from the date of receipt of a copy of this order. On receipt of the aforesaid representation, the respondents are directed to consider and dispose of the same with a reasoned and speaking order for regularisation of the aforesaid period of absence in accordance with law and release salary, if any, that may arise consequent on such regularisation, within a period of two months thereafter.

6. The OA is disposed of on the above lines. There shall be no order as to costs.

  
(K. Muthukumar)  
Member (A)