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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.729/97

New Delhi, this the 13th day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri N.Sahu, Member (A)

Hari Chand,
r/o H.No. 53/5,
Sanyat Line,
Delhi Cantt.

.....Applicant

(By Advocate: Shri N. Ranganathaswamy)

Versus

Union of India through

1. Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Adjutant General's Branch,
Org-4(Civil)
Army HQ DHQ P.O. Delhi.
3. The Station Commander,
Station HQ
Delhi Cantt.
4. Admn. Commdt.
Station HQ.
Delhi Cantt.
5. DDA & QMG
Station HQ.,
Delhi Cantt.
6. Station Staff Officer,
SSO (B),
Station HQ,
Delhi Cantt.

.....Respondents

(By Advocate: Shri R.P.Aggarwal)

O R D E R (ORAL)
[Dr. Jose P. Verghese, Vice-Chairman (J)]

The only relief sought in this OA is that the petitioner has not been paid for the period 1.1.1995 to 15th October, 1995 even though for the subsequent period he has been paid.

By order dated 8th December, 1995, the petitioner has been dealt with this period even though he remained absent on these days. It is stated that from 11.1.1995 to 10.2.1995, the absence is treated against earned leave for 30 days and the period between 11.2.1995 to 10.3.1995 again adjusted against earned leave for 30 days and thereafter from 11.3.1995 to 15.10.1995 is treated leave on medical grounds.

Since the respondents have already passed this order treating the absence against the leave account of the petitioner and the appropriate orders have already been passed, respondents are liable to pay the dues and arrears of salary in accordance with the Leave Rules. Respondents shall pay the said amount within eight weeks from the date of the receipt of a copy of this order.

It was stated by the respondents' counsel that subsequently on the basis of an advise received they have proceeded against the petitioner for his period of absence, departmentally. Respondent may be given liberty to continue to proceed with the said disciplinary proceedings. It goes without saying that respondents have always the liberty to proceed against an employee if there is any misconduct committed and the respondents can proceed with present inquiry proceedings as well in accordance with law, keeping


in view that the period in question has already been dealt with under Leave Rules.

With these observations, this OA is disposed of with no order as to costs.



(N. Sahu)
Member (A)

naresh



(Dr. Jose P. Verghese)
Vice-Chairman (J)