

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No.
T.A. No.

2550

1989

DATE OF DECISION 22.12.1989

Shri Mahabir Singh Applicant (s)

Shri Jog Singh Advocate for the Applicant (s)

Versus
Union of India & Ors Respondent (s)

Sh.V.M. Dutta, Asstt. Superintendent on behalf of
Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.C. JAIN, MEMBER (A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes.
2. To be referred to the Reporter or not ? Yes.
3. Whether their Lordships wish to see the fair copy of the Judgement ? No.
4. To be circulated to all Benches of the Tribunal ? No.

JUDGEMENT

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant who is working as Assistant Superintendent, Central Jail, Tihar has prayed that respondents be directed to allow the applicant to avail E.L./L.T.C w.e.f. 26.12.89 to 25.1.1990 and that the order dated 15.12.1989 by which he has been informed that the leave applied for by him, cannot be granted to him at this stage owing to some administrative reasons be quashed. As per orders dated 21.12.1989 respondents appeared today and also filed a short reply. I have perused the papers on record and have also heard the parties.

2. The applicant's case in brief is that he had applied for Earned Leave w.e.f. 26.12.1989 to 25.1.1990 which was sanctioned vide order dated 17.8.89. The railway reservation

(3)

ticket for four persons from New Delhi to Madras and receipt of payment to the Andaman and Nicobar Administration towards journey by ship from Madras to Port Blair have also been filed. L.T.C. advance applied for by the applicant on 31.8.89 and again on 15.12.1989 has not yet been sanctioned. It was also submitted at the bar that Superintendent District Jail, New Delhi, has also recommended to the D.I.G. Prisons, vide his letter dated 16.11.1989 granting the leave to the applicant for the period applied for and for which leave had been initially sanctioned and later cancelled vide order dated 10.11.1989.

3. Respondents' case in brief is that leave cannot be claimed as a matter of right and that two disciplinary proceedings are pending against the applicant in which he has been pleading in the relevant application filed by him before the Tribunal about the delay in the finalisation of those proceedings, and that this is an attempt by the applicant to delay the proceedings further.

4. In view of the fact that leave had been earlier sanctioned, railway and ship reservations had already been made, the journey ~~was~~ ^{is due} to commence on 23.12.1989, the cancellation of the journey plans at this stage would mean loss of money to the applicant in the form of cancellation charges, apart from disappointment to the family members, and apart from pending disciplinary proceedings, respondents have not been able to show any another administrative reasons for not allowing the applicant to avail of Earned Leave/L.T.C. I am of the view that this is a fit case in which the respondents should restore the leave ~~w.e.f.~~ ^{sanctioned (i.e.)} 26.12.1989 to 26.1.1990 to the applicant vide order dated 17.8.89, and I direct accordingly. Learned counsel for the applicant agreed at the bar that it would not be practicable for the respondents to sanction him L.T.C. or any other advance within a short time left for ~~(i.e.)~~

commencement of the journey as tomorrow is ^a closed day. The applicant will, however, be entitled to claim and get ^{paid} back the L.T.C. allowance as per rules after he returns from leave.

5. In view of the order in the para above, mentioned nothing really survives in the application. It is therefore disposed of at the admission stage itself, in terms of the above directions.

Parties will bear their own costs.

(Enclosed 22/12/89)
(P.C. JAIN)
MEMBER (A)