

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00580/2020

HYDERABAD, this the 23rd day of September, 2020.

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



T.V.Sathish Kumar, 56 years,
K.H.Helper, C & W Gudur,
Vijayawada Railway Division,
South Central Railway,
Gudur Railway Station,
Andhra Pradesh 524 101,
Mob : 6282462398

...Applicant

(By Advocate : U.Balagangadharan)

Vs.

1. Union of India rep by
The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad,
Andhra Pradesh – 500 003.
2. The Principal Chief Personnel Officer,
South Central Railway, Head Quarters,
Rail Nilayam, Secunderabad,
Andhra Pradesh – 500 025.
3. The Senior Divisional Personnel Officer,
Vijayawada Railway Divisional Office,
Vijayawada, Andhra Pradesh 500 010.
4. The Divisional Railway Manager,
Vijayawada Railway Division,
Vijayawada, Andhra Pradesh 500 010.
5. The Senior Divisional Mechanical Engineer,
Vijayawada Railway Divisional Office,
Vijayawada, Andhra Pradesh 500 010.

....Respondents

(By Advocate : Mrs.Vijaya Sagi, SC for Railways)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The O.A. has been filed in regard to regularization of the absence of the applicant during Covid-19 lockdown period.

3. The brief facts of the case are that the applicant is working as a Khalasi Helper under the Senior Section Engineer, Gudur. He could not report to duty from his home town Palakkad, Kerala in view of the Covid-19 pandemic. The respondents have not disbursed his salary from June, 2020 in view of his absence. The applicant, in fact, availed a short leave from 25.3.2020 till 31.3.2020 and thereafter he could not rejoin duty due to suspension of all modes of transport all over the country. The Railway Board, based on the directions of DoPT, issued Annex.A-7 & A-9 orders to subordinate formations to regularize the period of absence as 'duty' and sanction Special Casual Leave. The representations made to the 1st & 2nd respondents were not disposed of. Aggrieved over the same, the O.A. has been filed.

4. The contentions of the applicant are that after going over to his native place, he could not rejoin duty in view of the Covid-19 pandemic. There being no transport facilities, the applicant had no opportunity to travel back. The applicant states that the Railway Board issued instructions to regularize the absence in view of Covid-19 pandemic. Till date, the respondents have neither taken any action nor they disbursed his salary from June, 2020 onwards.

5. Heard Sri U. Balagangadharan, learned counsel for the applicant and Smt. Vijaya Sagi, learned Standing Counsel for Railways appearing for the respondents, and perused the pleadings on record.



6. It is a well known fact that Covid-19 pandemic has been extensively affecting the country from March, 2020 onwards. The applicant, after taking a short leave, has gone to his home town and, therefore, he could not rejoin duty thereafter due to absence of transport facilities. The grievance of the applicant is that he has not been paid salary from June, 2020 onwards. The applicant has cited the Annex.A-7 & A-9 instructions of the Railway Board wherein directions were reported to be issued to regularize the absence of the officials due to Covid-19, by treating it as 'duty' by granting Special Casual Leave. He is aggrieved that the respondents have not disbursed salary despite the instructions stated. Hence, the respondents are directed to treat the O.A. as a representation and dispose of the same in accordance with the relevant rules and law, by issuing a speaking and reasoned order, within 8 weeks from the date of receipt of this order.

With the above direction, the O.A. is disposed of at the admission stage, without going into the merits of the case. No order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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