

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.183/2004

Monday, this the 22nd day of January 2007

**Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Smt. Neena Ranjan, Member (A)**

Shri SB Gupta
S/o late Shri Mangal Sen Gupta
R/o 11 P Colony Qtr No.G-70
Mohkampur, Dehradun
Uttaranchal

..Applicant

(By Advocate: Shri AK Mishra)

Versus

1. The Director General
CSIR, Rafi Marg
New Delhi
2. The Director
Indian Institute of Petroleum
Mohkampur, Dehradun,
Uttaranchal

..Respondents

(By Advocate: Shri CBN Babu)

O R D E R (ORAL)

Hon'ble Shri Shanker Raju, Member (J):

The only relief claimed in this OA is treatment of the period from 1.8.1985 to June 1990 as spent on duty for pay and allowances as well as the period from February 1992 to July 1992.

2. Learned counsel for applicant states that on implication of the decision of the Tribunal in OA-14/88 decided on 1.9.1989, the period

from 2.11.1987 to 14.4.1989 has been spent on duty for pay and allowances but the period from 1.8.1985 to June 1990 and February 1992 to July 1992 has not been decided, as it is alleged against the applicant that he was unauthorizedly absent from duty but neither any disciplinary proceedings initiated nor has this period been treated as *des non* to disentitle him for pay and allowances.

3. On the other hand, respondents' learned counsel vehemently opposed the contentions and stated that in the light of OM dated 19.11.1985, as the applicant was unauthorizedly absent from 1.9.1985 to 1.11.1987, his salary was stopped and erstwhile period from 30.1.1984 to 29.7.1985, which has been treated as EOL, applicant is not entitled for salary.

4. We have carefully considered the rival contentions of the parties and perused the record. If a government servant absents himself unauthorizedly from duty, the period has to be decided and regularized as per CCS (Leave) Rules. If the period is to be treated as *des non* or leave of the kind due, the same should be preceded by holding a disciplinary proceeding and issue of a show cause notice under FR 17 A. For want of any such procedure adopted by the respondents, we dispose of the OA with a direction to the respondents, as the period from February 1992 to July 1992 has also not been decided as per rules, to take a decision with respect to the period from 1.9.1985 to 1.11.1987 as well as from February 1992 to July

1992 for the purposes of regularization of this period and grant of pay and allowances to the applicant. A decision would also govern the entitlement of pay and allowances to the applicant, which shall be completed within three months from the date of receipt of a copy of this order. No costs.

Neena Ranjan
(Neena Ranjan)
Member (A)

/sunil/

S. Raju
(Shanker Raju)
Member (J)