

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 1724/2004

New Delhi, this the 21st day of July, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Sh. Kapil Kumar
Assistant Director (Rehabilitation)
Vocational Rehabilitation Centre
for Handicapped, Ludhiana.

...Applicant

(By Advocate Sh. V.P.S.Tyagi)

V E R S U S

Union of India through

1. Secretary
Ministry of Labour
Shram Shakti Bhawan
New Delhi - 110 001.
2. The Director General of
Employment & Training
Ministry of Labour
Shram Shakti Bhawan
New Delhi - 110 001.
3. The Joint Director Training
Vocational Rehabilitation Centre
for Handicapped, ATI Campus
Gill Road, Ludhiana - 141 003.
4. Sh. Sukhdev Singh, DDT/H00
VRC for Handicapped, ATI Campus
Gill Road, Ludhiana.
5. Sh. Paramjeet Singh
(Training Officer)
Advance Training Institute
Gill Road, Ludhiana.

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard the counsel for the applicant.

2. It transpires that the applicant had approached this Tribunal in the matter earlier also vide OA No.1430/2004 which was decided on 4-6-2004 with a direction to the respondents that they consider his representation together with the said OA, treating the same as another representation of the applicant and dispose them of by issuing a reasoned and speaking order within a period of two months from the

S. Jha

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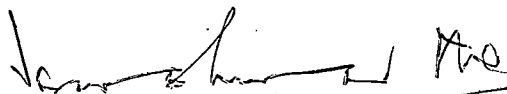
date of receipt of a copy of the said order. It is learnt that the said direction of the Tribunal has not yet been complied with by the respondents. In the meantime, the Vocational Rehabilitation Centre for Handicapped, ATI Campus, Gill Road, Ludhiana has issued a letter to the D.D.O., V.R.C., Ludhiana directing him to recover an excess amount of Rs.20,995/- from the applicant in respect of some leave period, which he is reported to have availed of in excess of the leave that was at his credit.

3. The applicant has pleaded that the entire matter of regularisation of his absence against leave that was due to him is still pending with the respondents. In this regard, he has referred to the representation which he has submitted to the Director General of Employment and Training, Ministry of Labour, Govt. of India on 21-3-2004 (Annexure A-3) in which, among other things, it has been submitted that 106 days Earned Leave has been depleted from his leave account instead of granting commuted leave to him even though he has sufficient HPL in his leave account at the relevant time. It thus appears that the entire matter relating to regularisation of his absence against leave of the kind due to him is quite unsettled and is still pending consideration of the respondents authorities. Earlier representation in this regard submitted by the applicant to the authorities concerned which was directed to be disposed of vide the orders of this Tribunal in OA No.1430/2004 as passed on 4-6-2004 also is reported to be pending with the respondents and is yet to be disposed of by them. It is thus observed that the respondents are yet to decide the representations on the subject and, in the process, new consequential events are taking place including the present one as has been reported in the impugned order. It is quite an undesirable situation

which could have been avoided if the respondents had considered and disposed of the representation as had been directed to be considered and disposed of by them vide orders of this Tribunal (supra).

3. Under these circumstances and having regard to the facts as submitted in this OA, I am of the considered view that the ends of justice shall be met if the respondents are directed to consider the representation as submitted by the applicant on 21-3-2004 together with this OA, treating the same as another representation, filed by the applicant on the subject and to dispose them of by issuing a reasoned and speaking order within two months from the date of receipt of a copy of this order. Ordered accordingly. It is expected of the respondents that they will not create another situation whereby another representation is filed by the applicant and he rushes to this Tribunal for redressal of his grievance. With these observations, this OA stands disposed of. They are also directed not to operate their impugned order dated 25-6-2004 till they have considered the representations in question and disposed them of.

4. Issue DASII.



(Sarweshwar Jha)
Administrative Member

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