

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...

OA No.1693/92

New Delhi, this the 11th day of July, ,1997

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

Dr. A.K.Belwal,
137, Sukhdev Vihar,
P.O. Jamia Nagar,
New Delhi.
(In person)

....Applicant

-Versus-

1. Member Secretary,
Planning Commission,
Admn.II Section,
Yojna Bhawan,
New Delhi.
2. The Secretary,
Department of Economic Affairs,
IES Cadre Section,
Ministry of Finance,
North Block,
New Delhi.
3. The Secretary,
Department of Personnel
Estt. L. Section,
North Block, New Delhi.
4. Sh. Ashim Chatterji,
Adviser(Admn.)
Planning Commissioner,
Room No. 239-A,
Yojna Bhawan,
New Delhi- 110001.

...Respondents

(By Shri R.V.Sinha, Advocate)

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

This OA has been filed on 26.6.1992 complaining that he has not been paid the salary for the period from 29.10.1989 to 30.6.1992. Several MAs have been filed and subsequently the applicant sought to amend the OA. Now the application has come up today for a possible final hearing.

2. This matter was listed yesterday and the applicant himself sought, by way of indulgence, one more day to study the file thoroughly and the applicant argued the case today. After advancing arguments for some time, he is seeking

another thirty days time to file the rejoinder or to engage a counsel. We find that this matter has been pending since 1992 and at this belated stage, if we keep adjourning the matters, it may have even adverse effect on the respondents who require the services of the applicant on the post he has been appointed. We are of the view that this matter should come to a conclusion today. 19

3. We have perused the entire record. The case of the applicant is that he has not been paid salary from the period between 29th October, 1989 to 30th June, 1992. It is found from the record that during this period he was on leave to pursue his studies leading to Ph.D. The leave for this period admittedly was not approved.

4. It was stated by the applicant that for the period prior to this for the same purpose i.e. to pursue his Ph.D, he was granted sanctioned leave and payment was made accordingly. But this additional period which is part of his leave for Ph.D has not been approved by the respondents and the respondents by a letter dated June, 1991 has advised the petitioner that they had already granted the leave admissible for the purpose of pursuing Ph.D and for the period exceeding 36 months, he will have to apply extra ordinary leave.

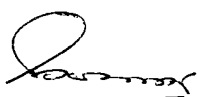
5. We are not inclined to quash the said order. We only direct the respondents, in the interest of justice, that they may re-consider the case of the applicant, in view of the powers given to them to relax any of the rules and in view of the fact that the applicant has been pursuing Ph.D


and in view of the fact that a person with higher qualification is an added asset to the department. The respondents shall pass appropriate orders within a reasonable period and communicate the same to the petitioner. This would be subject to the scrutiny of the respondents that the petitioner is regularly attending the office and he is performing the duties assigned to him from time to time.

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6. It was also pointed out by the petitioner that his further claims have not been possible to look into for want of proof that he has successfully completed his Ph.D. He states in his OA that he has now completed his Ph.D successfully and proof of the same has already been submitted before the respondents. Respondents shall consider this fact also while passing appropriate orders within a reasonable time. We make it clear that these orders will be passed after observing the conduct of the applicant while discharging the duties in the office.

7. With the above observations/directions this OA is disposed of with no order as to costs.


(S.P. Biswas)
Member (A)


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

-Naresh-