

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1859/92

(S)

New Delhi this the 20th day of August, 1997.

Hon'ble Mr. S.R. Adige, Member (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

Om Parkash Maurya,  
S/o Shri Bhagwan Dass,  
House No.955, Pocket No.2,  
Paschimpuri,  
New Delhi-63.

...Applicant

(By Advocate Shri R.L. Sethi)

-Versus-

1. Union of India  
through the Secretary,  
Medical & Health Services,  
Delhi Administration, Delhi.
2. The Director,  
Maulana Azad Medical College,  
Delhi.

...Respondents

(None for respondents)

ORDER (ORAL)

Hon'ble Mr. S.R. Adige, Member (A) :-

Out of the five reliefs prayed for by the applicant, Shri R.L. Sethi, learned counsel for applicant has pressed the following three reliefs:-

- (i) regularise the period from 1.1.1987 to 17.8.1990 as leave due and spent on duty for the purposes of pension etc.
- (ii) release salary for the period 1.1.1987 to 21.2.1987 when applicant actually was on duty and performed his duties and;
- (iii) to grant applicant normal increments in the grade of Rs.1400-2300 under normal operation of rules.

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2. None appeared for the respondents when the case was called out, although the O.A. was filed as far back as 1992. <sup>are</sup> We therefore, disposing it of after hearing Shri R.L. Sethi, and perusing the materials on record.

3. In so far as relief No. (i) <sup>above</sup> is concerned, Shri R.L. Sethi states that although respondents in their reply, as well as their order dated 26.4.91 (Annexure A-5) have stated that the applicant will be entitled to all consequential benefits except wages for the period w.e.f. 1.1.1987 to 23.8.1990, <sup>he</sup> is not sure as to the manner in which the respondents will treat this period for the purposes of pension. As the applicant has still a number of years service, his apprehension at this stage is pre-mature.

4. In case any grievance arises in regard to the treatment of this period, in terms of the respondents' own order dated 26.4.91, it will be open to the applicant to agitate the same through appropriate original proceedings, in accordance with law.

5. In regard to relief No. (ii) <sup>above</sup> Shri Sethi has stated that respondents have not passed any specific order as to the manner in which the period from 1.1.1987 to 21.2.1987 is to be treated, which applicant claims as <sup>1</sup> period spent on duty. The <sup>should</sup> respondents ~~will~~ pass appropriate orders in accordance

with law, in regard to the aforesaid period within three months from the date of receipt of a copy of this order.

6. In so far as relief No. (iii) <sup>1 abov</sup> is concerned, Shri Sethi has invited our attention to para 4.7.3<sup>1</sup> <sup>of respondents reply</sup> wherein it has been stated that the absence period of the applicant from 13.2.86 to 31.5.86 still remains to be regularised and <sup>1 Shri Sethi states that</sup> it is for that reason that the applicant has not been granted his increments, which he claims he is entitled to, as per rules. Respondents should take a final decision as to the manner in which this period is to be treated in accordance with rules and instructions within three months from the date of receipt of a copy of this order under intimation to the applicant, and thereafter take an appropriate decision in regard to the increments claimed by the applicant.

7. The O.A. stands disposed of accordingly. No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member (J)

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S. R. Adige  
(S.R. Adige)  
Member (A)