

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1606 of 2005

Allahabad, this the 8<sup>th</sup> day of May, 2007

Hon'ble Dr. K.B.S. Rajan, Member-J  
Hon'ble Mr. P.K. Chatterji, Member-A

R.A. Kushwaha, S/o Late Shri Vishwa Nath Bhagat,  
R/o Village Kahaon, Post Andila,  
District Deoria, Presently posted as  
Upper Division Clerk (UDC), Subsidiary  
Intelligence Bureau, Varanasi.  
...Applicant.

(By Advocate : Shri S.K. Tyagi)

Versus

1. Union of India, through the Secretary, Ministry of Home Affairs, New Delhi.
2. Joint Deputy Director, SIB Sri Nagar.
3. Assistant Director (E), SIB Sri Nagar.
4. Assistant Director (CC), SIB Sri Nagar.

...Respondents.

(By Advocate : Shri S.Singh)

O R D E R

By Dr. K.B. S. Rajan, J.M.

The dispute is very short in as much as the claim of the applicant is for grant of leave due and payment of due salary for his absence from June, 2004 to March, 2005; while receipt of leave by the respondents is denied the fact of transfer of the applicant from Srinagar to Varanasi at the material on time, and it not having been relieved, has been admitted. What is to be seen is whether the applicant submitted his leave application on time and how they were disposed of.

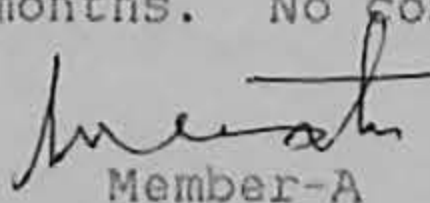
2. Pleadings go to show that the applicant was on leave and he applied for extension in the month of

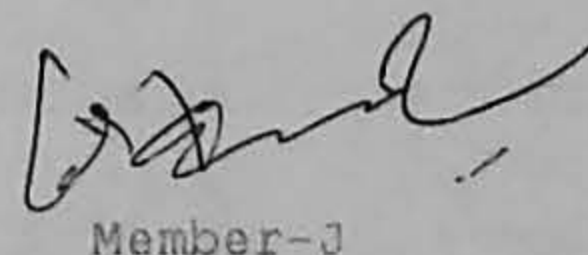
June, July and September and the communications (Annexures-2, 3 & 4 to the rejoinder) were sent by the Registered Post. Thereafter, the applicant subjected himself before the authorities in the wake of transfer order on 21.1.2005 (F/N). According to the applicant he has been regularly sending the representation, which are annexed in the supplementary Rejoinder as RA-2. The respondents contended that the leave applied was for the period of September, 2004.

3. The applicant has submitted a number of documents to substantiate his averment that he had various domestic problems with reference to three childrens and ailing parents.

4. Absence without any leave application beyond September, 2004, considering the domestic situation of the applicant, deserves to be condoned and in case the applicant has leave in his credit, the leave sanctioned authority may consider sympathetically the case of the applicant for leave as admissible to the applicant and pass suitable orders. Though this practice should not be encouraged, as it may result in discipline yet. Considering the peculiar circumstances of this case, we are of the considered view that the case of the applicant be decided sympathetically and leave due to the applicant be granted and leave salary be released. The applicant may suitably be warned by the department in regard to his attendance, if so desired by the competent authority.

5. With the above directions, the OA is disposed of. Time calendared for compliance of this direction is three months. No costs.

  
Member-A

  
Member-J