

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/020/1086/2018

Dated: 10/12/2018

Between

B. Satyanarayana,
S/o. late B. Surya Rao,
Aged about 49 years,
Occ: Section Officer (Group B) in
the O/o District Commander,
Coast Guard District HQ 6 (AP),
Visakhapatnam,
R/o C-1/6, Coast Guard Married
Accommodation, Malkhapuram,
Visakhapatnam.

... Applicant

AND

Union of India rep. by

1. The Secretary to Government of India,
Ministry of Defence,
Room No.218, BWing,
Sena Bhavan,
New Delhi.
2. The Director General Coast Guard HQ,
National Stadium Complex,
New Delhi – 110 001.
3. The District Commander,
Coast Guard District HQ No.6,
(AP), Malkhapuram,
Visakhapatnam – 530 011.

... Respondents

Counsel for the Applicant : Mr. K. Siva Reddy
Counsel for the Respondents : Mr. P. Krishna, Addl. CGSC

CORAM :

Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

(Per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

The O.A. is filed for not regularising the medical leave applied for, by the applicant from 24.01.2018 to 23.05.2018.

2. The brief facts of the case are that the applicant is working as Section Officer (Group 'B') in the respondent's organization. The applicant has been suffering from chronic cervical spondylitis since 2000 and has been undergoing treatment in Government hospitals and CGHS recognized private hospitals as well. Due to severe health problem, the applicant applied for medical leave as advised by the Authorised Medical Attendant (AMA) till 20.04.2018. The 3rd respondent has sanctioned 22 days sick leave w.e.f. 02.01.2018 till 23.01.2018 as per the medical certificate issued by the Authorised Medical Attendant. Before expiry of the sanctioned leave period, the applicant filed leave application for extension of the medical leave from 22.01.2018 onwards as per the advice of the Authorised Medical Attendant up to 20.04.2018. The respondents have neither sanctioned the leave nor denied the same. The applicant's health being fragile, he has sought extension of the medical leave as per letter dated 31.01.2018. The respondents directed the applicant to hand over charge on 31.01.2018 instead of granting the leave sought for. The applicant made another leave application for extension of

medical leave on 21.04.2018 along with doctor certificate certifying his medical condition. However, the respondents have not granted the medical leave sought for by the applicant. On 24.05.2018, the applicant was found medically fit and, therefore, he joined duty on the said date. The applicant represented on 15.03.2018 & 15.06.2018 requesting to regularise the period from 24.01.2018 to 23.05.2018 as the leave applied for was on medical grounds. As the same has not been acceded to by the respondents, the O.A. has been filed.

3. The contention of the applicant is that his wife has made a complaint to the police consequent to the inaction of the 3rd respondent in making an inquiry and taking action against the miscreants who damaged the car parked in the quarter. The local police informed that since the applicant is staying in a protected area, they have no jurisdiction to act. For that, the applicant was directed to vacate the Government quarter occupied by vacation order dated 228 dated 16.03.2017 making irrelevant and frivolous allegations against the wife of the applicant. The applicant alleges that he has been directed to vacate since the respondents have developed grudge against his family members for having approached the police as explained above. In fact, the respondents passed an order to recover an amount of Rs.4,02,033/- towards market rent for the quarter occupied by the applicant. Aggrieved by the said order, the applicant approached this Tribunal by filing O.A. No.459/2018 and the order of recovery was suspended temporarily. The said O.A. is yet to be heard and decided. Consequent to these developments, the respondents are procrastinating the processing of medical leave applied for. The applicant

also asserts that the respondents, as per the Medical Rules, should either grant the leave or sent him for second medical opinion. They are not empowered to not to grant the leave and deny the salary for the said period. The applicant claims that he has 407 days of Half Pay Leave which can be deducted as per Medical Rules and his salary could be paid.

4. Heard both side learned counsel and perused the documents on record.

5. The applicant applied for medical leave from 02.01.2018 to 23.01.2018 and the same was sanctioned based on the medical certificates produced by the applicant. The applicant, on medical grounds, applied for extension of leave on 21.1.2018 & 21.04.2018. The applicant's grouse is that the leave has not been sanctioned till date. After recovering from the ailment, the applicant joined duty on 25.04.2018 by submitting the fitness certificate issued by Authorised Medical Attendant. It is also to be noted that the applicant has got 407 days of Half Pay Leave to his credit.

6. The learned counsel for the respondents drew attention of the Tribunal to the prayer of the applicant and submits that the applicant is praying not to treat the period of leave applied for as unauthorised absence and desist from taking disciplinary action. The argument of the learned counsel for the respondents is that when no such action was initiated by the respondents, the prayer made by the applicant is frivolous. However, the applicant did pray for regularisation of the medical leave applied for, for the period from 24.01.2018 to 23.05.2018. The leave period, as per records

submitted to the Tribunal is found to be backed by medical certificates issued by Authorised Medical Attendants. As per rules in vogue, the respondents need to process and decide either to grant or send the applicant for second medical opinion. It is not fair on their part not to take a decision on the same for months together.

7. The learned counsel for the respondents made a submission that the certificate issued by the Authorised Medical Attendant may not suffice for the respondent's organization to consider. If this be so, then the question arises as to how the respondents have allowed the applicant to join duty based on a similar certificate submitted by the applicant. Hence, the argument of the learned counsel for the respondents lacks logic. Therefore, as prayed by the applicant, the respondents are directed to examine and grant the medical leave applied for by the applicant for the period from 24.01.2018 to 23.05.2018 as per Medical Rules which govern grant of medical leave, along with paying salary for the said period. The respondents are directed to take action on the said matter within 30 days from the date of receipt of the order.

8. The O.A. is accordingly disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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