

(b) — (A3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH - ALLAHABAD.

O.A. NO. 932 of 1987.

Sri Neksu Lal..... Applicant.

Versus

Union of India...& others..... Opposite parties.

Hon'ble Mr. Justice U.C. Srivastava - V.C.
Hon'ble Mr. K. Chayya - A.M.

(By Hon'ble Mr. Justice U.C. Srivastava-V.C.).

was
The applicant who discharged from Military Personnel was re-employed in the Postal Department as the Postal Assistant at Etah w.e.f. 23.7.1983. He applied for the Medical Leave w.e.f. 29.8.84 to 31.3.85 and submitted leave application along-with medical certificate obtained by a registered Medical practitioner. The applicant was asked to submit P.L.A. form for this period which was done and a detailed statement of all the leave applications and medical certificates, he submitted from time to time was given, but no leave order was issued though several reminders were sent.

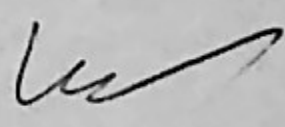
The applicant has prayed that the respondents may be directed to regulate the period of leave from 29.8.84 to 31.3.85 which they have ordered to be treated as dies-non into the period of leave as admissible to the applicant. This was to do because the said period was treated as dies-non.

The respondents has opposed the application and it has been stated that the applicant was reserved trained Pool candidate and reserve trained pool is pool as waiting list for stop-gap arrangement ^{from} time to time whenever any clerk goes on leave or ^{due to} any accidental absence. The departmental selection committee selected the applicant as one of the candidates for Reserve Trained Pool being Ex-service-men against a reserved seat on 29.1.1983 but he was Junior-most in the list as he has secured lowest marks. As candidates from the Departmental quota were not available by that time, the applicant was asked to work on the post of Lower Division Clerk and subsequently departmental candidates became

available, those who were working in this cadre including the applicant, were replaced. The applicant ~~was~~ ceased to work as such w.e.f. 29.8.84, but he was again appointed on 12.10.84, but he did not join till 1.4.1985 and preferred to give medical certificate and as such he was not entitled to any pay or salary during the period he was not in employment and he will be entitled for the salary from the date he joined the post and not for the period he remained on medical leave though he was given appointment on a clear vacancy as Postal Asstt. he has not ceased to be a R.T.P. because he had all along been paid full pay and allowances admissible to a postal Asstt. One C.K. Agrawal, Post-man Nawabganj, was ordered to take over as Postal Asstt. Raja Ka Rampur dislodging the applicant who was ordered to wait for his turn of being absorbed in some other ~~vacancy~~ vacancy and the same did not come into actual operation. The applicant continued to work at Raja Ka Rampur, Post Office till 22.8.84 and whereafter he fell ill and applied for medical leave. According to the applicant he continued to work upto 22.8.1984 and there was no break as such. Consequently the respondent could not treat the said period as dies-non.

The applicant's grievance is that no opportunity for hearing was given to the applicant as to whether the period to be treated as dies-non leave vacancy. This order cannot be allowed to sustain and accordingly this application is allowed and the order is quashed. However it will be for the respondent to decide this question within a period of three months after giving an opportunity of hearing to the applicant. No order as to the costs.

Member (A).


Vice Chairman.

Dated: March 25, 1992.

(DPS)