

THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Original Application No.222 of 1992

Sukkhu Ram Bind .. Applicant

versus

Union of India and others .. respondents

**

Hon'ble Mr Maharajdin, Member-J
Hon'ble Mr V K Seth, Member-A

(BY HON'BLE MR MAHARAJDIN MEMBER-J)

The applicant has filed the application under Section 19 of The Administrative Tribunal Act 1985 seeking the relief to issue direction to the respondents to allow the applicant to resume his duties as Assistant Craftsman/ Assistant Instructor in Training Centre with all consequential benefits and regularise the services of the applicant as Assistant Instructor. It is further prayed that the respondents should be directed to pay the salary of the applicant from 02 02 91.

The applicant was duly selected and appointed as Assistant Craftsman by order dated 12 10 79 issued by Dy. Director (A and C), Field Administrative Cell, Varanasi (Annexure A-1). In the year 1986 the applicant was posted at Carpet Weaving Training Centre Ratanpur Kumbhi Chaud Koetdwara District Garhwal. Due to illness of his wife the applicant on 09 10 86 proceeded on Casual Leave. It

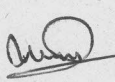


is alleged that the applicant could not return on duty till 31 01 91 as he himself fell ill. He submitted a medical certificate together with fitness on 31 01 91 for sanction of the leave. The applicant submitted joining report to Assistant Director at Bareilly, who refused to accept the same. The applicant submitted representation on 11 02 91 and 25 01 91 (Annexures 4 & 5) to respondents No.2 and 3 requesting to take work from him but no reply was received, hence he has come up before Tribunal for redress.

The respondents filed Counter Reply and resisted the claim of the applicant on the ground that the applicant was absent from duty without any intimation and proper leave application.

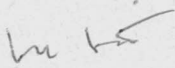
WE have heard the learned counsel for parties and perused the record.

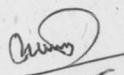
The respondents did not take any action for long absence of the applicant. The applicant was neither suspended nor any departmental enquiry was initiated. He has also not terminated the applicant from service. The applicant has not been allowed to work as Assistant Craftsman/Assistant Instructor in the Carpet Weaving Training Centre. The respondents could have taken disciplinary action against the applicant for remaining absent without any leave application ^{and} passed the suitable



orders of punishment. Respondents cannot deny the applicant to resume duty without taking any disciplinary action. This case is squarely covered by the decisions of this Tribunal in O.A.No.509/91 : Lalmani Pal versus Union of India and others and O.A.No.349/91 : Dashrath Bind versus Secretary, Ministry of Textiles and others decided on 14 01 93 and 10 02 93 respectively.

Thus in view of the matter the application of the applicant is partly allowed with the direction to the respondents to permit the applicant to resume his duties without prejudice taking into consideration any disciplinary action pending against the applicant. In case the applicant is found not guilty and he is allowed to join duties and his period of absence, to be taken continuously, it will be open for the respondents to decide as to whether he is entitled for wages during the period or not, taking into consideration the respective faults.


MEMBER-A


u.s. 93
MEMBER-J

DATED: ALLAHABAD
MAY 4th, 1993.

(VKS PS)
