

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.**

ORIGINAL APPLICATION NO.392 OF 2003.

ALLAHABAD THIS THE 11<sup>TH</sup> DAY OF September 2006.

**HON'BLE MR. JUSTICE KHEM KARAN, V.C.**

Gopal Krishna son of Deo Dutt Hata Rai Saheb Pandeypur,  
Varanasi, Civilian Cinema Projectionist, Branch Recruiting  
Officer, Defence Services, Varanasi Cantt. During the year  
1994-95.

.....Applicant.

(By Advocate: Sri P.K. Srivastava)

Versus.


1. Union of India through the Secretary, Ministry of  
Defence, Government of India, New Delhi.
2. Branch Recruiting Officer, Defence Services,  
Varanasi Cantt.
3. Branch Recruiting Officer, Office of Zonal  
Recruiting Office, Defence Services, Danapur, Bihar.

.....Respondents.

(By Advocate: Sri V.V. Mishra)

**ORDER**

While serving in Branch Recruiting Officer, Defence  
Service, Varanasi, as Civilian (Cinema Projectionist),  
the applicant applied for medical leave for 122 days on  
full pay from 12.5.1994 to 12.9.1994, with a request to  
commute half pay medical leave to full pay, as he had  
more than 400 days of half pay medical leave in his  
account. He resumed duties on 12.9.94. His complaint is  
that the leave sanctioning Authority, instead of granting  
medical leave, granted earned leave. According to him  
under the relevant Rules, the authority cannot sanction a  
kind of leave, not applied for. There is also a complaint  
in O.A. that salary for the period commencing from  
December 1994 to May 1995 has also not been paid by  
respondent NO.2. He was transferred to Danapur and was  
working there on the date he filed this O.A. He complains  
that several representations including one dated  
20.9.2002 to respondent NO.3, have yielded no results.

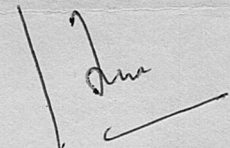




2. Unfortunately the respondents have filed no reply, nor have passed any order, turning down the request of the applicant, for not deducting earned leave of 122 days and for payment him the salary for the period from <sup>December</sup> ~~November~~ 1994 to May 1995; we are yet to know the stand of the respondents in the context of grievance of the applicant. The matter is such which can be looked into by the respondents No.2 and 3 and there is no point in keeping this O.A. pending here. It seems proper to dispose it of, with suitable direction to the respondents No. 2 and 3.

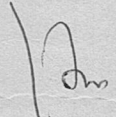
3. This O.A. is finally disposed of with a direction that the applicant shall give a self contained representation to the respondents NO.2 and 3 both, within a period of one month from today and the respondents No.2 and 3 will consider the same and pass suitable orders in accordance with relevant Rules/Orders on the subject within a period of 2 months thereafter.

No costs.

  
Vice-Chairman.

Manish/-

Connected vide order dated  
24.1.07, an application  
No 2827 of 2006.

  
24.1.07