

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO.392 OF 2003.

ALLAHABAD THIS THE 11TH 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)

O R D E R

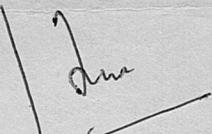
While serving in Branch Recruiting Officer, Defence Service, Varanasi, as Civilian (Cinema Projectionist), the applicant applied for medical leave for 122 days on full pay from 12.5.1994 to 12.9.1994, with a request to commute half pay medical leave to full pay, as he had more than 400 days of half pay 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.

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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 ^{December, 1994} 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.

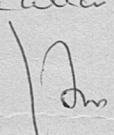
3. This O.A. is finally disposed of with a direction that the applicant shall give a self contained representation to the respondents NO.2 and 3 both, within a period of one month from today and the respondents No.2 and 3 will consider the same and pass suitable orders in accordance with relevant Rules/Orders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

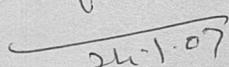
No costs.


Vice-Chairman.

Manish/-

Concurred with order dated
26.1.07, on application
No 2827 of 2006.


J.M.


26.1.07