

(6)

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION NO. 645 OF 2006.

ALLAHABAD THIS THE 15TH DAY OF NOVEMBER 2006.

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

HON'BLE MR. M. JAYARAMAN, A.M

Tribhuwan Nath S/o late Chhotey Lal, Technical Grade-III, under Senior Divisional Engineer, Khurja, R/o 69/3, Bari Bagiya (Lala Ki Sarai), Post Telienganj, Allahabad-4.

.....Applicant.

(By Advocate: Sri Ram Chandra)

Versus.

1. The Union of India through the Divisional Rail Manager, North Central Railway, Allahabad.
2. The Chief Electrical Engineer (Distribution), North Central Railway, G.M's Office, Allahabad.
3. The Senior Divisional Electrical Engineer, K.V TRD, North Central Railway, Allahabad.
4. The Section Engineer, K.V. Umre, Khurja, Junction.
5. The Assistant Divisional Engineer, K.V. Aligarh.

.....Respondents.

(By Advocate: Sri P.N Rai)

ORDER

By MR. JUSTICE KHEM KARAN, V.C.

Heard Sri Ram Chandra, learned counsel for the applicant and Sri P.N. Rai, learned counsel for the respondents.

2. The applicant has claimed the following relief(s):-
 - (a) An order or direction be issued for the release of salary of the applicant from the month of June 2005 onwards i.e. till date, and onwards as requested vide Annexure NO.1 to application.
 - (b) An order or direction to stay the proceedings under SF- 5 proposed to be started from 15.5.2006, till I resume my duty from after medical treatment as requested vide Annexure No.2 to the application.
 - (c) An order or direction to allow the applicant to avail defence assistant in the proposed SF enquiry.
 - (d) An order or direction to allow light duty to the applicant as per advise of Divisional medical officer, New Delhi and post the applicant any where else other than Khurja.
 - (e) Issue any order or direction for any other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
 - (f) Award cost of the parties".

3. His case is that he met an accident in June 2005 and had to be hospitalized or away from work because of injuries sustained by him and he applied for leave, supported by medical certificates but Authorities passed no orders thereon. With the result his salary since 2005 has not been paid inspite




of representations dated 9.3.2006 (Annexure 1), 8.5.2006 (Annexure 2) and 2.6.2006 (Annexure 3). He says that instead of paying the salary to the applicant for the period mentioned above, the respondents are publishing news that the applicant is absenting from duties. The applicant has now stated that he is medically fit to resume his duties but respondents are not permitting him to join the same.

4. The case of the respondents is that applicant is absenting from duties without any leave and so he has not been paid salary for the period commencing from June 2005 to till date. Attempt has been made to say that no proper applications supported by medical certificates issued by Competent Doctors were given by the applicant for leave so that the orders could not be passed.

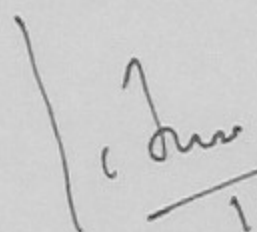
5. It appears just and proper to direct respondent NO.2, to consider the representation, to be given by the applicant and pass suitable orders and to see whether the applicant can be allowed to join the duties.

6. In the result, the O.A. is disposed of with a provision that in case the applicant gives a self contained representations together with copies of applications for leave etc. within a period of 15 days from today to respondent NO.2, he will pass suitable orders thereon in accordance with Rules within a period of one month from the date of receipt of such representation and shall also pass orders regarding the joining of the applicant in accordance with Rules.

No costs.



Member-A



15.11.06
Vice-Chairman.

Manish/-