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Shri Kantilal V. Sisodia,  
Diesel Assistant, Loco,  
Western Railway,  
Surendranagar.

... Petitioner

( Advocate : Shri G.A. Pandit )

Versus

1. Union of India,  
through General Manager,  
Western Railway,  
Churchgate,  
Bombay.
2. Divisional Railway Manager (Estt),  
Western Railway,  
Rajkot.
3. Assistant Loco Foreman,  
Western Railway,  
Surendranagar.

... Respondents

( Advocate : Shri B.R. Kyada )

Coram : Hon'ble Mr.P.M. Joshi : Judicial Member

31/03/1989

O R A L - O R D E R

Per : Hon'ble Mr. P.M. Joshi : Judicial Member

In this application, filed on 27.4.1988, under Section 19 of the Administrative Tribunals Act, 1985, the petitioner claims that he is entitled to leave with full pay for the period 30.11.1987 to 15.2.1988, as he was hospitalised for the injury sustained by him during the course of his employment. He has therefore, challenged the order dated 6.4.1988, according sanction only for the period of leave on half average pay.

2. When the matter came up for hearing Mr. G.A. Pandit and Mr.B.R. Kyada, the learned counsel for the petitioner and the respondents respectively were heard. The stand of the respondents is that the impugned order has been modified vide order dated 13.7.1988 which reads as under :

(4)

WESTERN RAILWAY

No. EL/K/241

Divisional Office,  
Rajkot. Dt. 13.7.1988

Memorandum

Sub : - Workmen's compensation Act Compensation under W.C. Act Shri Kantilal V. Dl. Asstt. Loco SUNR.

Ref : - This office Memo No. even of 6.4.88

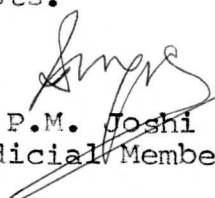
Upon reconsideration sanction is accorded to treat the period from 30.11.1987 to 15.2.1988 as hospital leave on full average pay, instead of half average pay sanctioned vide this office Memo cited above, in favour of the above named who was injured while on duty on 30.11.87.

For DRM (E) RJT.

Copy to : - DAO RJT, Leave file, Memo file, ALF SUNR, CC EPB for information & Necessary action.

( 2 copies ) on Court case file No. E/649/5/56 (CAT).

During the course of arguments it was submitted by Mr.G.A. Pandit that the respondents be directed to make full payment in terms of the order dated 13.7.1988 produced by the respondents. It is obvious from the order quoted above that the grievance of the petitioner has been redressed. However in order to avoid any room for grievance, the respondents are directed to make full payment of the dues for the leave period, as per the order dated 13.7.1988, within a period of one month, if not done so far. With this directions the application stands disposed of. There will be however no order as to costs.

  
( P.M. Joshi )  
Judicial Member

AIT