

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. /520/93
~~XXXXXX~~

DATE OF DECISION : 27/7/2000

Mr.P.D.Raol

Petitioner

Mr.P.H.Pathak

Advocate for the Petitioner [s]

Versus

Union of India & ors.

Respondent

MR.B.N.Doctor

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. P.C.Kannan : Member (J)

The Hon'ble Mr.

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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Mr.P.D.Rao
A/21, P & T Society
Opp. Vastrapur Railway Station
Ahmedabad.

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Applicant

(Advocate : Mr.P.H.Pathak)

VERSUS

1. Union of India
Notice to be served through
General Manager Maintenance
(W.T.R.) Ahmedabad M/W Bldg.
Navrangpura, Ahmedabad.

2. Divisional Engineer L/D
Ahmedabad.
3rd floor, Telecom Bldg.
Bhadra, Ahmedabad.

(Advocate : Mr.B.N.Doctor)

ORAL ORDER
O.A./520/93

Date : 27/7/2000

Per : Hon'ble Shri P.C.Kannan : Member (J)

Heard Mr.Pathak and Mr.Doctor learned counsel for both sides.

2. The applicant is working as Transmission Assistant under the Respondents and was transferred to VFT, Jamalpur vide order dt: 31.7.90 (Annexure A-2). He was relieved on 4/8/90 and was directed to join on

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5/8/90. The applicant could not join duty on 5/8/90 in terms of the transfer order. The applicant joined duty on 6/8/90. The applicant claimed one day joining time but the same was rejected. The applicant therefore filed the present OA on the ground that the action of the Respondents in rejecting his request for one day joining time as contrary to law. He therefore filed the present OA. The Respondents in their reply have stated that the applicant is not entitled to any joining time under the rules as he was transferred within the same station.

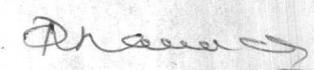
3. Mr.Pathak now submits that the transfer order was issued on 4/8/90 after office hours and the applicant could not report to duty on 5/8/90 as it was a Sunday, and a holiday for the applicant. He therefore reported for duty on 6.8.90 (i.e. on Monday). In the above circumstances, the applicant now submits that he is entitled to avail holiday on 5/8/90 being Sunday. In the reply, the respondents have stated the applicant is required to work on 5/8/90. It is not clear whether the applicant was entitled to avail holiday on 5/8/90 being Sunday. Mr.Pathak therefore submits that the applicant may be permitted to submit a fresh representation in this regard to the Competent Authority for his consideration.

4. After discussion at the bar, I consider that the OA can be disposed of with a direction to the respondent No:2 to examine the case of the applicant in the light of the submissions now made. To facilitate the same, I direct the applicant to give a detailed representation in this regard within fifteen days from the date of receipt of a copy of this order to the Respondents. If such a representation is received by the respondent No:2, he shall consider the same in accordance with the rules and pass appropriate

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order with regard to the treatment of the day 5/8/90. This exercise should be completed within two months from the date of receipt of the representation from the applicant and intimate the decision of the Competent Authority to the applicant.

5. The OA is disposed of with the above directions. No costs


(P.C.Kannan)
Member (J)

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