

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 552 of 96

Present : Hon'ble Mr. Justice S.N. Mallik, Vice-Chairman  
Hon'ble Mr. S. Dasgupta, Administrative Member

PRANAB KR. GANGULY  
VS  
UNION OF INDIA & ORS.

For the applicant : Mr. A.K. Banerjee, counsel

For the respondents: Mr. C. Samadder, counsel

OA

Heard on : 21.7.98

Order on : 21.7.98

O R D E R

S. Dasgupta, A.M.

With the consent of both the parties the application is finally heard at the stage of admission and is disposed of by following order.

2. The applicant in this case had earlier approached this Tribunal by filing OA 1185 of 95 being aggrieved by an order by which he was posted under Diesel Foreman, Burdwan on promotion as LDC Grade II. His case was that being hard of hearing he was unable to work in the Control Room where he was posted. This OA was disposed of along with OA 1184 of 95 by a common order dated 12.4.95 with a direction to the respondents to consider and dispose of the representation of the applicant. It appears that thereafter the respondents issued a fresh order of posting as per Annexure 'F' dated 12.2.96 by which the present applicant was transferred and posted under Superintendent, Carriage & Wagon, Azimganj. The present application was filed with the allegation that the said order was not being implemented and with a prayer that the respondents be directed to implement the said order and also to pay the applicant full salary for the period from 3.6.95 to February, 1996.

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3. The respondents have not filed any reply despite many opportunities. The averments in the OA are therefore uncontested.

4. During the course of hearing it was brought to our notice by the ld. counsel for the applicant, that the order dated 12.2.96 has been implemented and the applicant has been transferred to Azimganj. The grievance in this regard therefore stands settled. The only grievance that is to be settled is the regularisation of the period from 3.6.95 to February, 1996 which has been treated as leave as due. On going through the averments we find that during this period the applicant had approached the Tribunal and challenged the earlier posting and the matter was under consideration of the Tribunal. We are of the view that the said period cannot be adjusted by grant of leave as the applicant neither applied for leave nor he was absent from duty.

5. In view of the foregoing we therefore dispose of the application with a direction to the respondents to pay full duty salary as is due to the applicant from 3.6.95 to February, 1996 without debiting this period to the leave account, after adjusting the leave salary already paid. Let this direction be complied with within 2 months from this date. OA, accordingly, stands disposed of. No order as to costs.



MEMBER (A)



VICE-CHAIRMAN

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