

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BENCH AT JODHPUR.

Date of Order: 1.3.96.

O.A. No. 232/95.

K.L.Sagar

...Applicant.

VERSUS.

Union of India & Ors.

...Respondents.

Mr. Y.K.Sharma, Counsel for the applicant.

Mr. S.S.Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. N.K.Verma, Administrative Member.

BY THE COURT:

Heard Shri Y.K.Sharma, learned counsel for the applicant who has prayed for payment of his salary and allowances for the months of October to December, 1993 and also from 5.5.94 to 31.5.94. The applicant's pay for these periods were withheld by the respondents because of his unauthorised absence. Shri Vyas, learned counsel for the respondents brought to my notice that the payment for the period 5.5.1994 to 31.5.94 has already been made to the applicant as that periods' absence were treated as on leave. Shri Vyas also brought to my notice that the period October to December, 1993 had not been spent by the applicant on duty as he was absent unauthorisedly from his station of posting or also from the duty point i.e. Bikaner where he was sent for a specific purpose.

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The question of his being at Ratangarh during the same period as certified by the Assistant Engineer, Ratangarh at Annexures A/4 and A/5 needs to be verified.

2. Having heard both the parties, the short point to be decided is whether the applicant was on duty during the period for which the salary and allowances have been claimed by him. These are the matters which can be settled only by the respondents, the competent authority in the matter and decided accordingly about the payments to be made to the applicant. The O.A. is disposed of with the direction that the respondents shall decide within four months from now the exact status of the applicant during the period October to December, 1993. If he was not on duty, then his absence may be regulated as per the rules regarding leave etc. for which he will have liberty to apply. The O.A. is disposed of accordingly. No costs.

N.K.V.
(N.K.VERMA)
Member (A)

V/S

Recd,
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12/3

H. G. G.
C. W. M.
12/3/86

Part II and III destroyed
in my presence on 31/3/02
under the supervision of
section officer (J) as per
order dated 19/3/02

Section officer (Record)
J