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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH JODHPUR**

Original Application No. 116/2003
Date of Decision : This the 4th day of February, 2004.

Hon'ble Mr. J.K.Kaushik, Judicial Member
Hon'ble Mr. G.R.Patwardhan, Administrative Member

Shri Suraj Mal Khandelwal S/o Shri Behari
Lai Khandelwal, aged 53 years,
Junior Telecom Officer, R/o 191, Adarsh Nagar
Pali Marwar.

.....Applicant.
[By Advocate Mr. S.P.Sharma, for applicant]

versus

1. Union of India, through
The Secretary,
Department of Telecommunication,
Government of India, New Delhi.
2. Chief General Manager,
Rajasthan Telecom Circle,
Bharat Sanchar Nigam Limited, Jaipur.
3. Telecom District Manager,
Bharat Sanchar Nigam Limited, Banswara.
4. Divisional Engineer (Admn),
Bharat Sanchar Nigam Limited,
Office of the TDM, Banswara.

.....Respondents.

[By Advocate Mr. B.L.Bishnoi, for the applicant]

ORDER

BY J.K.KAUSHIK, JUDICIAL MEMBER :

Shri S.M. Khandelwal, has filed this O.A. inter alia praying
for the following reliefs :-

"g) the respondent competent authorities, may kindly be
directed to allow the applicant to join on duty;

[Signature]

"h) the respondent may kindly be directed to pay the salary to the applicant for his attendance in the respondent department since first date of joining after notice publication in daily news paper;

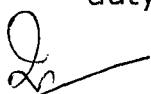
i) any other appropriate relief which this Hon'ble Tribunal deem just and proper in the facts and circumstance of the case may be passed in favour of the applicant;

j) the original applications of the applicant may be allowed with the cost."

2. We have heard the learned counsel for the parties at a great length at the admission stage and have very carefully perused the records of this case.

3. This seems to be a unique case where, applicant is reported to be continuing absent from duties from 1983 to 1996 when a chargesheet came to be issued in the year 1999, the same was published in the news paper. Applicant, thereafter, reported for duty on 11.2.1999 and on 12.2.1999. He asked for station leave. Finally, the applicant has been allowed to join his duties w.e.f. 25.3.2003 and the disciplinary proceedings under Rule 14 of the CCS (CCA) Rules, are going on against him.

4. It has been contended on behalf of the applicant that applicant has not been paid his due salaries for the period from 11.2.1999 to 24.3.2003 when he was not taken on duty. On the contrary, the learned counsel for the respondents has submitted that the main relief that is taking of the applicant on duty, has already been allowed inasmuch as applicant has been taken on duty and to that extent the O.A. has become infructuous. As



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regards the other relief, there is dispute of the facts and the matter will have to be looked into in detail and if, the respondents are given an opportunity to decide the same, that would meet the ends of justice.

5. We find that there is force in the contention of the learned counsel for respondents as regards the relief No. 2 and it would be appropriate if applicant makes a detailed representation to the concerned authority for deciding the period of absence or otherwise as claimed by the applicant for treating the same on duty, the respondents shall decide the same within a period of three months from the date of its receipt. It is, therefore, ordered that the applicant should file a detailed representation in the matter and should make available all the relevant documents within a period of one month so as to facilitate the competent authority to comply with this order. The O.A. stands disposed of accordingly. However, without any costs.

PR
(G.R.Patwardhan)
Adm.Member

J.K.Kaushik
(J.K.Kaushik)
Judl.Member

jrm

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per
(B-L-Bishnoi)
3-3-04

~~J. Bishnoi~~
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