

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 58/2011
WITH
MISC. APPLICATION NO. 47/2011**

Date of order: 16.03.2011

CORAM:

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Mangi Lal Raw S/o Shri Sukhdev Ji Raw, by caste Raw, aged about 49 years, R/o Sadguru Kripa Kuteer, 39, Kishan Keshri Nagar, Near Sant Ashram, Banar Road, Jodhpur (TGT English working under Respondent No. 5).

...Applicant.

Mr. Kamal Dave, proxy counsel for
Mr. B.L. Bishnoi, counsel for applicant.

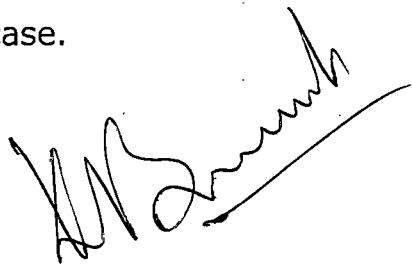
VERSUS

1. Commissioner, Kendriya Vidyalaya Sangathan, Head Quarter, 18-Institutional Area, Saheed Jeet Singh Marg, New Delhi – 110 016.
2. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Maligaon, Chariali, Guwahati (Assam).
3. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Jaipur, 92-Bajaj Nagar, Gandhi Nagar Marg, Jaipur (Raj.).
4. Principal, Kendriya Vidyalaya, Panbari, Post Alomganj, District Dhubri (Assam).
5. Principal, Kendriya Vidyalaya No. 1 (Army), Jodhpur.

... Respondents.

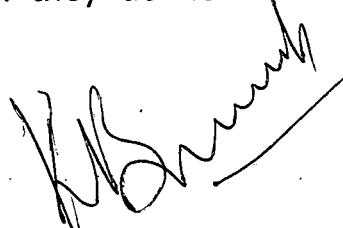
**ORDER
(Per Dr. K.B. Suresh, Judicial Member)**

Heard Shri Kamal Dave, learned proxy counsel for Shri B.L. Bishnoi, learned counsel for the applicant and perused the pleadings and record of this case.



2. We have heard the matter. The matter is in a very short compass. It appears that the mother of the applicant fell ill and following her illness one day's leave was sought with a medical certificate also produced by the applicant. The applicant had requested for one day's leave on 03.01.2004 with station leaving permission, and subsequent days being winter break w.e.f. 04.01.2004 to 18.01.2004, he was entitled to avail it. The applicant joined his duties on 23.01.2004 as he himself fell ill while going back to his duty place and he also intimated to the respondent-department in this regard by way of telegram. The Principal, on the ground of students' welfare, felt that during the said winter break, the applicant should have taken extra classes. But the applicant apparently was unable to accede to this request as his mother was supposed to be seriously unwell and he had produced sufficient documents to highlight the same. It would appear that on the way ^{back} to his place of employment, the train was cancelled and he was one more day late, and therefore the respondents had issued a registered show cause notice dated 20.01.2004 (Annex. A/2). It would also appear that thereafter he had joined his duties on 23.01.2004 but then the absence from 04.01.2004 to 22.01.2004 was treated as unauthorized absence.

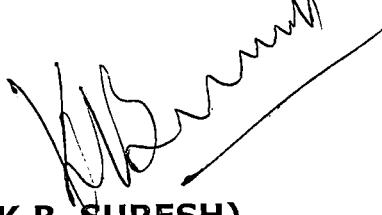
3. We find from the pleadings and records that the applicant had given appropriate evidence and reasons for his absence by cogent medical records, which appears to be given to the concerned authorities, which they do not seem to have taken



into account. We are also of the view that the authorities were also concerned about the welfare of the students, but being a son; the applicant has to visit his ailing mother and sufficient latitude has to be provided to the employees to care for his ailing family, since besides being a Government employee, the applicant is a son, and as a human being, as his mother was su. seriously unwell, he could not await the tender mercy ~~of~~ the su. authorities to grant leave of absence and till then to leave aside succour of his mother, which itself ^{is} a violation of the su. Constitutional matrix, as it will impair the rights of his mother.

Therefore, the impugned order dated 14/16.10.2008 (Annex. A/1) requires to be quashed and set ~~aside~~ aside. We note that the authorities have not considered these aspects of the matter ^{have been passed} at all. Therefore, the impugned orders ~~are violated~~ by non-su. application of mind^s as well. We order accordingly. The respondents are directed to regularize the period of absence of the applicant from 04.01.2004 to 22.01.2004 and grant him appropriate consequences following this. The Original Application is allowed to the extent as stated above at the admission stage itself. The Misc. Application for condonation of delay is also allowed. There shall be no order as to costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER

दिनांक 2/4/16 के अन्ते ॥ र
मेरे द्वारा दिनांक 9/4/16
को ज्ञान-विद्या के लिए ।

ज्ञानद्वारा द्वितीय
जोधपुर न्यायपीठ, जोधपुर