

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.846/1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

PRADIP KR. BHATTACHERJEE

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. N.C. Chakraborty, counsel

For the respondents : Mr. B. Mukherjee, counsel

Heard on : 1.6.99

Order on : 1.6.99

O R D E R

One, Pradip Kumar Bhattacharjee, working as Senior Store Keeper, Ordnance Depot, Alipore, Traffic Branch, Calcutta-700027. has filed this O.A. for direction upon the respondents to grant special him/casual leave for 30 days from 1st Aug. to 30th Aug., 1997 and another 15 days for trekking expedition undertaken in 1996. According to the applicant, he has been selected for trekking expedition to Ladakh Himalaya, Jammu and Kashmir during August, 1997 in a group of 5 members and this has been approved by the Indian Mountaineering Foundation. It is alleged by the applicant that after getting the order of approval dated 16.5.1997 from the authority (Annexure A/3), he applied to the department to grant him special casual leave for 30 days from 1.8.97 to 30.8.97 on 19th June, 1997 (Annexure A/4) and his leave was also recommended by the Sectional Head, Traffic, Officer. But Deputy Commandant, respondent No.5 rejected his prayer by the following order dated 24.6.97 (Annexure A/1) stating the reasons :-

"Individual can not be granted special leave every year. If he so desires he can take Earned Leave and proceed for expedition."

Thereafter the applicant made representation to the authorities stating his claim. But his prayer was ultimately rejected by

the letter dated 5.6.1997 marked as Annexure-A/10 to the application. Thereby the applicant approached before this Tribunal for getting appropriate relief in this regard.

2. From the records, it is found that at the time of hearing of this application for admission, an interim relief was given to the applicant directing the respondents to allow him to participate in the said trekking expedition from 1.8.97 to 30.8.97 and accordingly the applicant participated in the said trekking expedition. So, only the question for decision is what nature of leave for the said period is admissible to him.

3. Respondents have not filed any reply to this application. Ld. counsel Mr. B. Mukherjee appears for the respondents and prays for adjournment of this case for filing reply to the O.A. He submits that he may be allowed to file a written reply to the O.A. But from the records it is found that the application has been admitted on 23.7.97 and thereafter the matter appeared in the warning list for fixing the date of hearing and then it has been fixed for hearing today. So, the respondents were given enough time for filing reply but they have not taken any step. Thereby the prayer for adjournment as sought for by the ld. counsel for the respondents is hereby rejected.

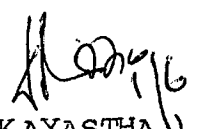
4. Ld. counsel Mr. N.C. Chakraborty has drawn my attention to Annexure A/2, the Office Memorandum dated 11th April, 1995. On a perusal of the said Office Memorandum, prima facie it is found that Central Government employees are entitled to get special casual leave for 30 days in a calendar year for the purpose of participation in trekking expeditions.

5. After considering the submissions of ld. counsel for both the parties, I find that the reasons as disclosed in the Office Order dated 24.6.97 (Annexure A-1 to the application) is not clear as to why the individual cannot be granted special

casual leave every year when the Office Memorandum itself says that the employees are entitled to get such special leave for not exceeding 30 days in a calendar year for the purpose of taking part in trekking expeditions. In this connection, there is a clear instruction in the notification of Government of India, Department of Personnel & Training, O.M.No.28016/2/84-Estt.(A) dated 11-4-1985 and No.28016/3/89-Estt.(A) dated 25.10.1989.

6. In view of the aforesaid circumstances, I am of the view that the respondent No.2, the Director General of Ordnance Service, NGO's Branch, Army Headquarters DHQ, New Delhi should dispose of the representation of the applicant in view of the abovementioned notification of Government of India regarding trekking expeditions.

7. In view of the above, the applicant is directed to send a copy of this application to respondent No.2 within 30 days from today and the respondents are directed to dispose of the representation of the applicant within three months from the date of receipt of the copy of this application, with a reasoned and speaking order. If the reasoned and speaking order goes in favour of the applicant, the special casual leave as sought for by the applicant, should be granted to him in view of the circular of Government of India as mentioned above. With these observations, the application is disposed of awarding no costs.


(D. PURKAYASTHA)
MEMBER(J)

S.M.