

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. No.247 of 1997

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

Anil Kumar, S/O Shri Jamuna Kurmi,  
Bungalow Peon of Dy.C.E.E./D-q/CLW/CRJ,  
resident of Street No.30, Qrs. No.58,  
Chittaranjan-713331

....Applicant

VS

1. The General Manager, Chittaranjan  
Locomotive Works, Chittaranjan-713331,  
District Burdwan

2. The Assistant Welfare Officer,  
Chittaranjan Locomotive Works,  
Chittaranjan-713331, Dist. Burdwan

... Respondents

For the Applicant : Mr. Balai Chatterjee, counsel

For the Respondents: Mrs. Uma Sanyal, counsel

Heard on 26.6.1998

: : Date of order: 26.6.98

O R D E R

Heard the the learned advocates of both the parties for admission of this application filed by Shri Anil Kumar stating that during the Puja holidays he went to Deoghar, Bihar and fell seriously ill there from 10.10.1995 to 21.3.1996 and then came back to Chittaranjan with private medical certificate and thereafter on the basis of the private medical certificate Railway medical certificate has been issued, but he was not allowed to join duties with effect from 22.8.96 and after a long chasing the authority had advised him to submit the RMC on the basis of PMC. And on submission of Railway Medical fit m certificate dated 1.7.96 his attendance has been taken in the Dy. e CPO(W)'s office with effect from 1.7.96 and he has received the salary for July, 1996.

2. In view of the aforesaid circumstances I have gone is through the letter dated 25.12.96, Annexure "A/5" to the application and it is found that the applicant was charged for irregular attendance for which the officer under whom he worked 1) 198

reported from time to time. From the said letter it is also found that the applicant wanted to resume duty as Bunglow Peon, but he was not allowed to join the Bunglow of Sri Mahendra Singh, nor he was allowed to join in the Development office and ultimately, he reported to the Office of Dy. CPO(W) on 24.12.96. Accordingly, Dy.CEE/D-1 & D-III were requested to arrange for his attendance in the office of Dy.CEE/D-III but Dy.CEE/D-III said that the matter will be decided only by Shri Mahendra Singh, Dy.CEE and in view of the above the applicant was directed to report to Dy. CEE for further action. Thereafter nothing has been done by the respondents in this case.

3. In view of the aforesaid circumstances, I find that it is a fit case for a direction upon the respondents to regularise or to pass appropriate orders in respect of absence from duty by the applicant, as alleged in the application, but no order has yet been passed by the authorities. I, therefore, direct the respondents to conclude the enquiry, if any held in respect of the allegation made against the applicant for his irregular attendance in duty and decision should be taken by the authority within four months from the date of communication of this order. If the decision goes in favour of the applicant, then the applicant should be paid his salary, as admissible to him as per decision to be taken by the authority. It is admitted by the respondents in the written reply that the applicant joined his duty with effect from 1.4.97 for which salary has been paid. So, the disputed periods are from 30.9.95 to June, 1996 and from August, 1996 to March, 1997. Hence, these periods should be regularised ~~and~~ appropriate order should be passed by the competent authority within four months from the date of communication of this order. Accordingly the application is disposed of awarding no costs.

(D. Purkayastha)

MEMBER (J)

26.6.1998