

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.12/2003.

Tuesday this the 14th day of January 2003.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER  
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

P.V.Mathew, Pezhumkattil, P.O.Thidanad,  
Kottayam, Physical Education Teacher (Retd.),  
Kendriya Vidyalaya No.1, East Hill,  
Kozhikode. Applicant

(By Advocate Shri V.Rajendran)

Vs.

1. The Principal,  
Kendriya Vidyalaya No.1,  
East Hill, Kozhikode-673 005.
2. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office, IIT Campus,  
Chennai-36.
3. Kendriya Vidyalaya Sangathan represented  
by The Commissioner,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi.
4. Union of India represented by  
the Secretary, Ministry of  
Human Resources Development,  
Government of India, New Delhi. Respondents

(By Advocate Shri Thottathil B.Radhakrishnan)

The application having been heard on 14th January, 2003  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant retired from service as Physical Education Teacher of Kendriya Vidyalaya No.I, Calicut on 30.4.2000. While he was in service, he was put in charge of Volleyball Coach of the Madras Regional Volleyball Team, which participated in the KVS Zonal Meet at Kendriya Vidyalaya No.2 at Bokaro. The applicant sustained serious injuries in the course of giving

2

practice to the members of the team at Bokaro.. Because of sudden out break of plague in and around Bokaro, the applicant had to be escorted to Calicut for further treatment including surgery. The applicant himself availed of Earned Leave and half pay leave for the purpose of treatment. However, he submitted an application for Special Disability Leave later on and submitted all supporting documents. The KV Sangathan, New Delhi by letter dated 19.9.2000(A2) advised the Assistant Commissioner, Kendriya Vidyalaya Sangathan, the 2nd respondent, to consider the grant of Special Disability leave to the applicant in the light of the provisions of CCS Leave Rules and more specifically Rule 45 of CCS Leave Rules. The 2nd respondent, in turn, is seen to have directed the first respondent viz., the Principal, Kendriya Vidyalaya No.1, Calicut by letter dated 10.10.2000 (A3) to take necessary action to sanction Special Disability Leave to the applicant in the light of A-2. By a further letter (A4) dated 9.11.2000 the 2nd respondent asked the first respondent to confirm action taken in regard to sanction of Special Disability Leave to the applicant. The applicant's efforts to get the disability leave granted have so far not yielded any result. His Earned Leave for 15 days and half pay leave for 100 days would be lost in order to make good the 65 days spent on treatment. If the Disability Leave is granted, the applicant would be able to save his eligible leave for purposes of encashment in accordance with the existing rules. Thereupon the applicant made a detailed representation dated 2.9.2002(A-1) highlighting all the facts and making a request to the first respondent to sanction the leave as applied for s.o that he might get the financial benefits due to him by surrendering his Earned Leave availed in connection with

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the treatment for injury. The inaction on the part of the respondents is said to have caused serious prejudice to the applicant and hence, this application. He seeks the following reliefs:

"i. Issue an order directing the 1st respondent to sanction the Special Disability Leave to the applicant for the period from 3.10.94 to 6.12.94;

ii) declare that the applicant is entitled to all the benefits consequent on the sanctioning of the special disability Leave as applied for."

2. When the matter came up for admission it was submitted on behalf of Shri V. Rajendran, learned counsel for the applicant that the applicant would be satisfied if proper action is taken in pursuance of the detailed representation (A1) addressed to the first respondent who is the leave sanctioning authority in this case. Learned counsel for the respondents Shri Thottathil B.Radhakrishnan has agreed to such a course of action being taken. We therefore, consider it proper to direct the competent respondent to dispose of the applicant's representation A-1 within a time frame.

3. Accordingly, in the light of the submission made by the learned counsel on either side, we dispose of this application by directing the competent respondent to sympathetically consider the factual submissions in A-1 representation and also in the light of the earlier correspondence in that regard like A-2, A-3 and A-4 read with the relevant rules and take appropriate decision in the matter of grant of Special Disability Leave to the applicant as applied for so that he would be able to make use

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of the already availed Earned Leave for the purpose of encashment. The order in this regard shall be made and served on the applicant within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 14th January, 2003.



K.V.SACHIDANANDAN  
JUDICIAL MEMBER



T.N.T.NAYAR  
ADMINISTRATIVE MEMBER

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