

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 158 1991
T.A. No.

DATE OF DECISION 18.2.1991

K. M. Rajan Applicant (s)

Mr. M. Girijavallabhan Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
Secretary, Ministry of Agriculture & Cooperation
New Delhi and others

Mr. V. Krishnakumar, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S. P. MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? N
3. Whether their Lordships wish to see the fair copy of the Judgement? N
4. To be circulated to all Benches of the Tribunal? N

JUDGEMENT

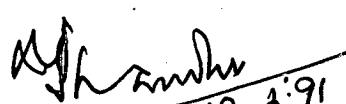
MR. S.P. MUKERJI, VICE CHAIRMAN

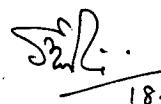
Heard learned counsel for both parties on M.P. 118/91 for condonation of delay. Allowed.

2. Heard learned counsel for both parties on the main application. In pursuance of the judgment of this Tribunal dated 28.4.1989 rendered in O.A.K. 233/88 (Annexure-F), the applicant was permitted by the competent authority to join duty (Annexure-G). The question which remains to be considered is how the period of absence from 1.3.1986 to 20.8.1989 is to be treated. By the impugned order dated 16.5.1990 the respondents regularised the period from 1.3.86 to 9.6.86 as on Earned Leave from 3.3.86 to 11.3.86 with permission to prefix 1.3.86 and 2.3.86 as holidays and Extra Ordinary Leave without medical certificate from 12.3.86 to 9.6.86.

The balance period of absence from 10.6.86 to 20.8.89 is under consideration for regularisation in consultation with the Department of Personnel & Training/Ministry of Agriculture as indicated in the impugned order itself. The applicant filed a representation dated 14.6.1990 (Annexure-K) praying that appropriate orders be issued for this period in accordance with Rule 5(2) of the C.C.S. (Temporary Service)Rules, 1965. In the original application, the applicant has prayed that the period from 26.6.86 to 21.8.89 should be deemed to be period spent on duty.

3. The learned counsel for the respondents argued that since this very matter is under consideration by the respondents in consultation with the Department of Personnel and Training/Ministry of Agriculture as is evident ^{from} ex facie the order at Annexure-J itself the application is premature. We see considerable force in this argument. It will be pre-judging the issue in case the reliefs claimed by the applicant is adjudicated by us at this stage. Accordingly, we close this application with the direction to the respondents that they should take a decision and communicate the same to the applicant in regard to the regularisation of the balance period of absence from 10.6.86 to 26.8.89 within a period of three months from the date of communication of this order and dispose of the representation dated 14.6.90 at Annexure-K. There will be no order as to costs.


(N. DHARMADAN) 18.2.91
JUDICIAL MEMBER


18.2.91
(S. P. MUKERJI)
VICE CHAIRMAN