

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
OA NO.219/2007

Monday this the 6th day of August, 2007.

CORAM:HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

Sosamma John,
Gramin Dak Sevak Mail Deliverer,
Moolamattom, Idukki Postal Division. ... Applicant

By Advocate Mr.P.C.Sebastian

V/s.

- 1 The Superintendent. of Post Offices,
Idukki Division, Thodupuzha
Pin – 685 584.
- 2 The Sub Divisional Inspector (Postal)
Thodupuzha Sub Division,
Thodupuzha- 685 584.
- 3 The Union Of India represented by
Secretary to Government of India,
Ministry of Communications,
Department . of Posts, New Delhi. ... Respondents

By Advocate Mr.George Joseph ACGSC

The application having been heard on 6.8.2007 the Tribunal on the same day delivered the following:

(ORDER)

Hon'ble Mrs.Sathi Nair, Vice Chairman

1 The applicant while working as GDS MD, Moolekad was compelled to avail leave on medical grounds from 14/3/97 to 26/4/2000 was chargesheeted for alleged unauthorised absence and was awarded

the punishment of removal from service. But on appeal she was exonerated and reinstated into service by 1st respondent as per Annexure A-1 order. However, the period of her absence on leave supported by medical certificates, which formed the basis of the disciplinary proceedings remained not regularised inspite of repeated representation. Hence this OA. The applicant has sought the relief of direction to the respondents to issue necessary orders treating applicant's absence from the 30/12/98 to 26/4/2000 as leave without allowance in view of her leave application and the period from 27/4/2000 to 16/5/2002 during which period she was kept out of service in view of the disciplinary action be treated as duty for all purposes with all consequential benefits including arrears of allowances due to her during the said period. The applicant has filed the requisite documents alongwith her rejoinder.


2 The respondents have filed an additional reply statement alongwith MA-579/2007 for accepting the additional reply. The additional reply statement is taken on record. In the additional reply statement, the respondents have submitted now that the respondents are prepared to consider the representation of the applicant based on the documents now produced and they have stated that had she produced the documents at the time of personal hearing, the respondents would have taken decision permissible under the rules.

3. In the light of the aforesaid submission of the respondents, we are of the view that this OA can be disposed of by directing the

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respondents to consider the representation of the applicant in the light of their submissions in para 3 of their additional reply. We direct the first respondent to give the applicant a personal hearing again and communicate a decision to the applicant within two months of receipt of copy of this order.

With this direction, the OA is disposed of. No costs.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

abp