

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATED MONDAY THE TWENTY NINTH DAY OF MAY  
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

O.A. No. 259/89

Dr. G. Mohammed Hussain

Applicant

Vs.

1. Union of India, represented by the Secretary to the Government of India, Ministry of Health and Family Welfare, New Delhi and
2. Director of Medical & Health Services, U. T. of Lakshadweep, Kavaratti

Respondents

M/s. N. Dharmadhan  
M. V. Thamban

Counsel for the  
applicant

P. V. Madhavan Nambiar, SCGSC

Counsel for  
respondents

O R D E R

Shri S. P. Mukerji, Vice Chairman

I have heard learned counsel for both the parties and gone through the documents. It appears that in pursuance to the order passed by the Tribunal on 5.5.1989, the applicant applied for leave on full pay for six months with effect from 1.6.1989 and also indicated that he is foregoing the promotion as Chief Medical Officer, Port Blair. This application was received by the respondents, in accordance with their learned counsel on 22.5.1989 and immediately they sanctioned leave on

full pay for 120 days and half pay for 60 days. The learned counsel for respondents states that this leave for 180 days was sanctioned with immediate effect on 22.5.1989. Since the leave was applied for from 1.6.1989 and status quo as on 22.5.1989 was to be maintained in accordance with this Tribunal's order dated 22.5.1989, the respondents could not have sanctioned leave from 22.5.1989 itself. Leave <sup>cannot be granted unilaterally</sup> when it is not applied for. Keeping the circumstances of the case in view, I direct that the applicant should be deemed to have been granted leave with effect from 1.6.1989 and should be deemed to be on duty till 31st May, 1989. On this basis, the learned counsel for the applicant does not desire to pursue the application which is closed on the above lines without prejudice to the applicant to his right of applying for further leave in accordance with law and seeking redress <sup>in accordance with law and against</sup> with any further directions which may be issued by the respondents.

2. M.P. 289/89 for accepting additional documents is also disposed of on the above lines.

  
(S. P. Mukerji)  
Vice Chairman  
29.5.1989