

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Tr. Application No. 394/86.

DYANOBA NIVRUTHI PAIGUDE,
Karve Nagar,
Near Sadhu Barate Chawl,
Pune - 29.

.. Applicant
(Original Plaintiff)

Vs

1. Union of India,
The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
New Delhi - 110 001.
2. The Director,
Directorate of Field Publicity,
Min. of Information & Broadcasting,
East Block Level III,
R.K. Puram, New Delhi - 110 066.

.. Respondents
(Original Defendants)

Coram: Hon'ble Vice-Chairman Shri B.C. Gadgil.
Hon'ble Member (A) Shri J.G. Rajadhyaksha.

Appearance:

1. Mr. K.R. Pillay, Advocate
for the applicant.
2. Mr. J.D. Desai (for Mr. M.I. Sethna)
for the respondents.

ORAL JUDGMENT
(Per: B.C. Gadgil, Vice-Chairman)

Date: 29-9-1987

Suit No. 464/83 of the file of the Civil Judge
Senior Division, Pune is transferred to this Tribunal
for decision.

2. It is not necessary to give all the details of
this litigation. Suffice it to say that the applicant
was initially appointed as a Cleaner in the office of the
Regional Director of Field Publicity, and that in 1974
he was promoted as a Driver. The dispute is as to how
the period of his absence from 15-5-1982 to 31-7-1982
should be treated. The department has passed an order
dated 6th December, 1982 to treat this period of absence

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[Signature]

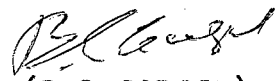
(15-5-1982 to 31-7-1982) as dies-non. At the time when the matter was argued before us to day Mr.K.R.Pillay as also the applicant were present. Mr.J.D.Desai (for Mr. M.I.Sethna) instructed by Mr.P.S.Kadam were present on behalf of the respondents. Though various contentions were raised by the applicant (Original plaintiff in the suit), during the course of the arguments the applicant informed the Tribunal that he is ready to make an application for grant of leave as may be due and admissible for the period from 15-5-1982 to 31-7-1982 and that he may be granted such leave. Mr.Pillay also made similar submissions before us.

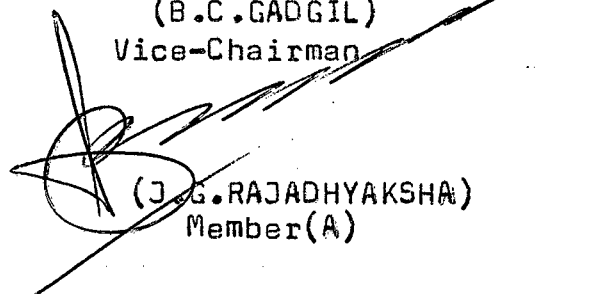
3. The order dated 6-12-1982 shows that the period of absence was required to be treated as dies-non as the applicant failed to submit any leave application. In this background, we do not feel that there is any inherent illegality or impropriety in that order. However, in view of the fact that the applicant is now ready to make an application for leave, We think that interest of justice will be met if we direct the respondent department to grant leave to the applicant for the above mentioned period as may be due and admissible according to rules. The applicant stated before us that he would make the necessary application on or before 12th October, 1987. In view of this position we pass the following order:

4. The applicant partly succeeds. In case the applicant makes an application on or before 12th October, 1987 for grant of leave, that may be due and admissible, the respondents are directed to grant such application for leave as may be permissible. However, it is made specifically clear that in case the applicant does not make such an

application on or before 12th October, 1987 this Transferred Application No.394/86 shall stand dismissed.

5. Parties to bear their own costs.


(B.C.GADGIL)
Vice-Chairman


(J.G.RAJADHYAKSHA)
Member(A)