

## CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHO.A.NO.: 788 OF 2005[Patna, this Wednesday, the 1<sup>st</sup> Day of November, 2006]

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C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

HON'BLE SHRI S.N.P.N.SINHA, MEMBER [ADMN.]

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Md. Tajmul Haque, son of Late Meer Nurul Hassan, resident of mohlla – Gulistan Building, Sabzibagh, Police Station – Pirbahore, District – Patna.

.....APPLICANT.By Advocate :- Shri Jitendra Pandey.

Vs.

1. The Union of India through the Sport Authority of India through the Director General, Jawahar Lal Nehru Stadium, Lodi Road Complex, New Delhi-2.
  2. The Director General, Sports Authority of India, Jawahar Lal Nehru Stadium, Lodi Road, Complex, New Delhi-2.
  3. The Regional Director, Sports Authority of India, N.S.E.C., Salt Lake City, Sector-III, Kolkata-700 098.
  4. The Incharge, SAI, Sag Centre, Muzaffarpur. ....RESPONDENTS.
- By Advocate :- N o n e.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- The applicant is Grade I Coach, posted to SAS Centre, Muzaffarpur. He has come up before this Tribunal with prayer to direct the respondents to pay him salary from March, 2005 to October, 2005, with interest, which has not been paid to him.

2. We need not ponder over the facts in detail in this application in view of the order that we are going to record.

3. From the averments it is clear that demand drafts for salaries



from March, 2005 to June, 2005 had been received by the Incharge of SAG Centre, Muzaffarpur, but the same was returned to the Sports Authority of India [for short, SAI], NSEC, Kolkata which amount also has remained to be paid to him. Obviously, the applicant thereafter resumed his duty w.e.f. 29.08.2005 but claims that salary up to December, 2005 was not paid.

4. The respondents have filed their written statement as well supplementary written statement giving details as to how the demand drafts were sent to pay the salary which are claimed to have been returned back. it has been claimed that the applicant was requested to send the requisite medical certificates from the government hospital and application for grant of other kind of leave for sanction of the same as also for release of his salary for June, 2005. As per para 4 of the supplementary written statement his period of unauthorised absence would be treated as dies non if medical certificate was not produced.

As per para 5 of the supplementary written statement the respondents have claimed that in response to the applicant's prayer for release of his salary from March to September, 2005 he was directed by their letter dated 10.12.2005 to apply for grant of earned leave from 11.12.2004 to 28.08.2005, i.e., prior to resumption of his duty on 29.08.2005. It has been claimed that the applicant did not submit the medical certificates as cataloged<sup>u</sup> in para 5 of this written statement. <sub>B.</sub>

In para 7 it has been advised that the applicant may approach the respondents – SAI in place of agitating the matter before this Tribunal. In their original written statement it has been claimed that the requisite medical

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certificates were not sent though the applicant continued sending representations for payment of salary. It has been admitted that the salary of the applicant from March to June, 2005 was remitted to the place of his duty but were returned by the Incharge on the ground that the applicant had not collected his salary drafts from his office.

In para 12 it has been stated that in the circumstances, the grievances of the applicant could not be redressed because of his laches. It was also assured that the respondents, however, were taking every step to redress the grievances of the applicant but that has not been possible in absence of proper response of the applicant.

5. The learned counsel for the applicant in view of such submissions pointed out Annexure-8 to the rejoinder to the written statement which is a letter dated 20.02.2006 sent by the applicant to the Incharge, SAG Centre, Muzaffarpur. In this application the applicant has stated that he was submitting all the relevant papers therewith, in 50 pages, along with fresh leave application as desired by the Regional Office, SAI, Kolkata through their letter dated 10/14.12.2005 to settle the issues. The learned counsel for the applicant submitted that despite the aforesaid communication sent by the applicant, his claims have not been settled.

6. From the materials on record it is clear that perhaps there is no dispute between the parties. The respondents had sent salary up to June, 2005 by demand drafts which were not collected by the applicant. They have sought some medical papers from the applicant and leave application. The applicant claims that through Annexure-8 he had sent the documents and the matter is


pending before the respondents.

7. In that view of the matter, we direct the respondents to consider the prayer of the applicant in view of the documents sent by him through Annexure-8 and to pass a speaking order thereupon. However, if the respondents feel that some relevant documents are missing, they may give an opportunity to the applicant to approach the concerned authority in person with the documents and to allow the applicant to place his case in person, whereafter the speaking order may be recorded. This exercises be completed within three months of receipt of a copy of this order.

8. The applicant, if asked to file certain relevant documents, would comply with by approaching the concerned officer in person where he would be allowed to make his submissions also. Even after giving such a reasonable opportunity to the applicant in case the papers are incomplete, the respondents may record an appropriate order whether or not the applicant complies with their direction, on the basis of materials available on the record.

9. With the above directions, this Application is disposed of.

  
[S.N.P.N.Sinha]/M[A]

  
[P.K.Sinha]/VC

skj.