

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 1116/92  
Transfer Application No.

Date of Decision : 30.3.1995

Shri Farook Hussain

Petitioner

Shri D.V.Gangal

Advocate for the  
Petitioners

Versus

Union of India & Ors.

Respondents

Shri J.G.Sawant

Advocate for the  
respondents

C O R A M :

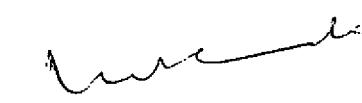
The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not? — NO

(2) Whether it needs to be circulated to  
other Benches of the Tribunal? — NO

  
(P.P.SRIVASTAVA)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

(12)  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 1116/92

Shri Farook Hussain ... Applicant  
v/s.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri D.V.Gangal  
Advocate  
for the Applicant

Shri J.G.Sawant  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 30.3.1995

(PER: M.S.Deshpande, Vice Chairman)

The applicant was appointed as a Khalasi on 22.1.1965 and passed the public works department Wireman Certificate Course in 1968-69. He was promoted as Assistant Wireman on 27.5.1970 and as he had to go to Hyderabad on account of his mother's illness, he applied for leave from 2.10.1980. Further extensions were sought but the applicant was mentally deranged from 2.4.1983 to 5.8.1990 and he sent letters to the 2nd Respondent on 31.3.1981 and 11.11.1982. A public notice was published by the respondents in the Lok Satta dated 18.7.1990 calling upon the applicant to resume duty and the applicant sought to resume duty and submitted joining report and that joining report was accepted. There were further representations and a dispute was raised but the dispute not entertained despite the applicant's request to the Labour Commissioner to intervene. The applicant made an application on 6.7.1992



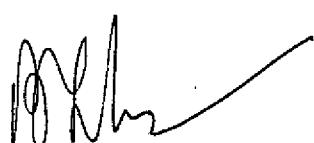
to the first Respondent to allow him to resume duty.

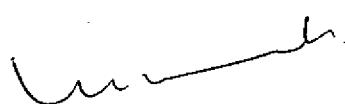
An interim order came to be passed on 20.8.1993 by which the respondents were directed to allow the applicant to resume his duty within a week without prejudice to the rival contentions raised by the parties on merits of the case. The applicant has since been working with the respondents. The 3 prayers which have been made by the present application are (a) to hold and declare that the denial of duty and salary allowance and other monetary and non-monetary benefit to the applicant w.e.f. 6.8.1990 was contrary to law and illegal and the respondents should be permanently injunctioned from continuing the same, (b) to hold and declare that the applicant must be granted full pay allowance from 6.8.1990 till he allowed to resume duty, (c) to hold and declare that the applicant should be granted admissible and other leave including extra-ordinary leave from 2.10.1980 to 5.8.1992 and the said period should be counted as duty and as qualifying service for all purposes.

2. As we have pointed out that the applicant has already been allowed to join duties factually from 26.8.1993, the dispute is as to what wages should be paid to the applicant in view of the continued absence over a long period including the period for which, it is urged that he was mentally deranged <sup>and</sup> will be a matter which shall have to be sorted by the respondents on the basis of a representation which the applicant might make to the respondents. If such a representation is made by the applicant within four weeks from today with regard to his monetary entitlements from 6.8.1990, the respondents shall consider and decide that representation by a speaking order within eight weeks

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thereafter after giving a hearing to the applicant. Should the applicant feel aggrieved by the orders so passed by the respondents, liberty to the applicant to approach the Tribunal. The interim order passed on 20.8.1993 is confirmed. With these directions the OA. is disposed of

  
(P.P. SRIVASTAVA)  
MEMBER (A)

  
(M.S. DESHPANDE)  
VICE CHAIRMAN

mrj.