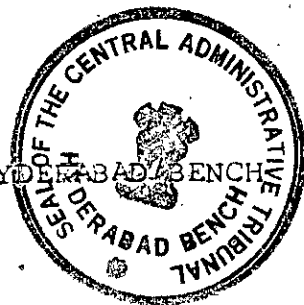


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD



O.A.No.507/93

Date of Order : 10.1.1994

BETWEEN :

D.Suvarna Raju

.. Applicant.

A N D

1. Chief Executive,
Department of Atomic Energy,
Nuclear Fuel Complex,
Hyderabad-500 762 (A.P.).
2. Administrative Officer,
Nuclear Fuel Complex,
Administration II,
Hyderabad.
3. Senior Manager,
Zirconium Oxide Plant & Plant Maintenance,
Nuclear Fuel Complex,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUD.L.)

T. R. N.

SHR

Complex) doctor had referred the applicant for treatment to the NIMS Hospital. Annexure-6 to the OA and Annexure-R1 to the counter that were filed are one and the same. Annexure 6 to the OA is the certificate dated 14.8.92 issued by the Medical Superintendent of NIMS who was treating the applicant. It is clearly mentioned in the certificate Annexure-6 that the applicant was suffering from Hypertension along with Sulphuric Acid injury and that the applicant had been advised rest for 2 weeks from 13.8.92. Annexure-8 to the OA is another certificate issued by the medical Superintendent NIMS dated 26.8.92 that the applicant was fit to resume duties from 28.8.92. So, from the certificates issued by the Superintendent of NIMS it is quite evident that the applicant became fit only to resume official duties from 28.8.92 and prior to 28.8.92 from 13.8.92 that the applicant was taking treatment and also was advised rest. As the respondents had granted hospital leave to the applicant w.e.f. 1.8.92 upto 12.8.92, there is no reason why the applicant should be denied hospital leave from 13.8.92 as he continued to be under treatment from 13.8.92 upto 27.8.92 and as already pointed out was advised rest. So, in view of the facts and circumstances of the case it will be just and equitable to give a direction to the respondents to treat the period from 13.8.92 to 26.8.92 as hospital leave in continuation of the hospital leave that had been granted to the applicant w.e.f. 1.8.92 upto 12.8.92.

5. Even though it had been specifically pleaded in the O.A. that the applicant had been granted hospital leave w.e.f. 1.8.92 upto 12.8.92, there is no denial of the same in the counter of the respondents. So, from non-denial of the said fact it has got to be inferred that the respondents

T. N. S.

1480

treated in the NIMS hospital. Fitness certificate was granted to the applicant that the applicant was fit to join his duties w.e.f. 28.8.92. The respondents had granted hospital leave to the applicant from 1.8.92 to 12.8.92 only. The respondents had refused to grant hospital leave to the applicant from 13.8.92 to 26.8.92. It may ^{be} ^{ed} point out the respondents had granted hospital leave from 1.8.92 to 12.8.92 and commuted leave from 13.8.92 to 26.8.92. It is the grievance of the applicant that instead of the commuted leave that had been granted, that the applicant is entitled for hospital leave from 13.8.92 to 26.8.92.

3. Counter is filed by the respondents opposing this O.A. We have heard today Mr. S. Kamakrishna Rao, Advocate for the applicant and the Standing Counsel for the respondents.

4. The fact that the applicant had received the said injury below the chest due to the splash of Sulphuric Acid on 31.7.92 when the applicant was in the course of the employment and was discharging his official duties cannot at all be doubted in view of the fact that the applicant had been granted hospital leave by the respondents from 1.8.92 to 12.8.92. It is the case of the applicant as he was under treatment in NIMS from 13.8.92 to 26.8.92 and as had been advised rest from 13.8.92 to 27.8.92 by the doctor that was treating him in the NIMS, that the applicant could not attend to his regular duties in the office of the respondents and due to the treatment that the applicant was undergoing and due to the body rest that was prescribed by the doctor, that the applicant is entitled for hospital leave from 13.8.92 to 26.8.92. From the Annexure A-4 to the OA dt. 3.8.92 it is quite evident that N.F.C. (Nuclear Fuel

T. C. R.

320/19
X

had granted hospital leave to the applicant for the period from 1.8.92 to 13.8.92. So, when hospital leave had been granted for the period from 1.8.92 to 13.8.92 as already pointed out there is no reason why hospital leave can not be granted for the period from 13.8.92 to 27.8.92.

6. In the result the commuted leave that had been granted to the applicant w.e.f. 13.8.92 to 26.8.92 is hereby set aside and the respondents are hereby directed to grant hospital leave to the applicant in accordance with rules and regulations for the period from 13.8.92 to 27.8.92 with all consequential benefits, if such benefits had not already been granted.

7. O.A. is disposed of accordingly. The parties shall bear their own costs.

CERTIFIED TO BE TRUE COPY

Date..... 20/1/94

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

Copy to:-

1. Chief Executive, Department of Atomic Energy, Nuclear Fuel Complex, Hyderabad-702.
2. Administrative Officer, Nuclear Fuel Complex, Administration II, Hyderabad.
3. Senior Manager, Zirconium Oxide Plant & Chemical Process Development Plant, Nuclear Fuel Complex, Hyderabad.
4. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

stacy
5/10