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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

O.A.No.468 OF 1997.

Date of Order:4-3-1998.

Between:

S.Kamaraju.

.. Applicant

and

1. Sr.Divisional Commercial Manager,  
S.C.Railway, Vijayawada.

2. Sr.Divisional Personal Officer,  
South Central Railway, Vijayawada. .. Respondents

COUNSEL FOR THE APPLICANT :: Mr.G.V.Subba Rao

COUNSEL FOR THE RESPONDENTS: Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI A.V.HARIDASAN, VICE CHAIRMAN

AND

THE HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

: O R D E R :

( AS PER HON'BLE SRI A.V.HARIDASAN, VICE CHAIRMAN )

Heard Mr.G.V.Subba Rao for the Applicant and  
Mr.V.Bhimanna for the Respondents.

2. The applicant is a Commercial Courier in the office of Senior Divisional Commercial Manager at Vijayawada. He is aggrieved because the respondents have failed to regularise the period of his absence from 20-4-1995 to 12-9-1995 due to sick as leave due to him by commuting the LMAP into LAP on medical grounds and pay him the salary and allowances for the said period. The applicant claims that he was laid up and undergoing treatment. During this period that he submitted the sick certificate and fitness certificate and despite several reminders the respondents have not issued Orders regarding regularisation of the period and disbursement of the salary. Therefore, the applicant has filed this application for a direction to the respondents to regularise his absence from 20-4-1995 to 12-9-1995 due to sick as leave due

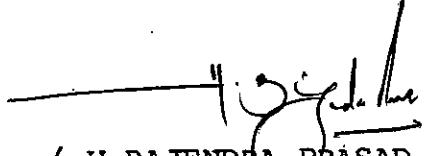
to him by commuting the LHAP into LAP on medical grounds and pay him the salary and allowances for the said period with interest thereon @ 18% per annum.

3. The respondents in their reply have stated that there has been instances of late where sick certificate and fitness certificate produced were found to be not genuine and therefore, the genuineness of the certificates produced by the Applicant is being investigated by the authorities of South Eastern Railway and therefore, the case of the Applicant for regularisation of the period of his absence as leave could not be considered.

4. When the application came up for hearing taking note of the fact that the investigation into the genuineness of the certificates produced in the year 1995 commenced in that year itself, the learned Counsel for the Respondents stated that if two months time is given, the respondents would complete that process and issue appropriate orders in regard to regularisation of leave of the applicant after verifying the certificates produced by the applicant. He pleaded that the application may be disposed of with appropriate direction in that regard. The learned Counsel for the Applicant states that the applicant would be satisfied if the respondents with one direction to consider the matter and pass an appropriate Order without much delay.

5. In the light of what is stated above, we dispose of this application with a direction to the respondents to take a decision on the claim of the applicant for regularising the period of his absence due to sick from 20-4-1995 to 12-9-1995 and payment of salary and allowances and communicate the decision to the applicant within a period of two months from the date of receipt of

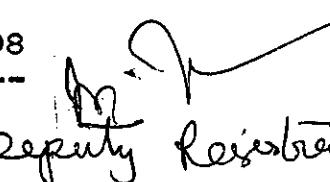
a copy of this Order. No costs.

  
( H. RAJENDRA PRASAD )  
M(A)

  
( A.V. HARIDASAN )  
VC

Dated: this the 4th day of March, 1998

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Dictated in the Open Court

  
Deputy Registrar

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DSN

O.A.468/97.

To

1. The Sr.Divisional Commercial Manager,  
SC Rly, Vijayawada.
2. The Sr.Divisional Personal Officer,  
SC Rly, Vijayawada.
3. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Bhimanna, SC for Rlys. CAT.Hyd.
5. One copy to BR(A) CA.Hyd.
6. One spare copy.

pvm.

29/3/98

I Court

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE AV Hali Qasim  
VICE-CHAIRMAN (Ernakulam  
Bench)

AND  
THE HON'BLE MR.H.RAJENDRA PRASAD: M(A)

DATED: 4-3-1998

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

O.A.No. 468/97

T.A.No.

(W.P.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

