

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

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**12.07.2011**

**TA 01/2011 (CWP 8518/2005)**

Mr. Abhisek Sharma, Counsel for applicant.  
None present for respondents.

Heard learned counsel for the applicant.

The OA is disposed of by a separate order.

*Anil Kumar*  
(ANIL KUMAR)  
MEMBER (A)

*K. S. Rathore*  
(Justice K.S. Rathore)  
MEMBER (J)

AHQ

*3000/-*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 12<sup>th</sup> day of July, 2011

**TRANSFER APPLICATION NO. 01/2011**  
**IN**  
**SB CIVIL WRIT PETITION NO. 8518/2005**

**CORAM**

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Devaki Nandan Mishra son of Shri Suresh Chand Mishra, aged about 34 years, resident of Shyam Vila, Near Rajkiya Girls Senior Higher Secondary School, Bandikui, District Dausa.

.....Applicant

(By Advocate: Mr. Abhisek Sharma)

**VERSUS**

1. National Institute of Ayurveda through its Director, Madhaw Vilas Palace, Jaipur.
2. Dy. Director (Adm), Department of Rasashastra Madhav Vilas Place, Jaipur.

.....Respondents

(By Advocate: -----)

**ORDER (ORAL)**

By way of present OA, the applicant asked for the following reliefs:-

- "(i) That the Hon'ble Court may kindly be pleased to call the entire record of the case and after examining the same direct the respondents to grant the petitioner the earning leave for the duration for which he applied and for the direct them to give him the experience certificate for the entire duration he worked i.e. 9.12.1999 to 26.2.2002 and also direct them to give him the enhanced salary of Rs.9000/- and the release the salary of the month of February, 2002.
- (ii) If any prejudicial order to the interest of the petitioner is passed during the pendency of the writ petition, the same may kindly be taken on record and pleased to quash and set aside.
- (iii) Any other appropriate writ, order or direction, which this Hon'ble Court may consider just and



proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.

(iv) Cost of writ petition be quantified in favour of the petitioner.

2. With regard to the relief claimed by the applicant to grant payment of Earned Leave, learned counsel for the applicant submitted at Bar that vide order dated 02.06.2011, sanction has been accorded but the payment is still to be made.

3. With regard to the relief directing the respondents to give the applicant experience certificate for the entire period he worked i.e. 09.12.1999 to 26.02.2002 and to give salary for the month of February, 2002, the respondents have not disputed about these relief but submitted that applicant has not submitted 'No Dues Certificate', therefore, payment has not been released. The respondents have also stated in their reply that on applicant's application dated 26.09.2000, the respondents had issued him an experience certified for the period upto 06.10.2000 but for the remaining period, the applicant could not be issued experience certified for want of 'No Dues Certificate.'

4. In view of the submission made by the respondents in their reply, we deemed it proper to direct the respondents to release the payment of Earned Leave as well as issued experience certified for the period from 09.12.1999 to 26.02.2002 and also directed to release salary for the month of February, 2002 subject to the condition that applicant shall submit 'No Dues Certificate'. Although the applicant submitted that he had already submitted 'No Dues Certificate', even then the applicant is directed to submit the copy of the 'No Dues Certificate', which has already been submitted by him with details to



whom he had submitted the 'No Dues Certificate' and immediately after completing the aforesaid formalities by the applicant, the respondents shall comply the above direction expeditiously and not later than three months from the date of receipt of a copy of this order.

5. With these observations, the OA shall stands disposed of with no order as to costs:

*Anil Kumar*  
(ANIL KUMAR)  
MEMBER (A)  
AHQ

*K. S. Rathore*  
(JUSTICE K.S. RATHORE)  
MEMBER (J)