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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 281/95

Date of order 3.8.95.

Dr. R.K. Meena s/o Late Shri Ganga Ram Meena, Senior Medical Officer, C.G.H.S. Dispensary No.3, Bajaj Nagar, Jaipur, resident of 68/261, Pratap Nagar, Sector No. 6, Tonk Road, Sanganer, Jaipur.

... Applicant

VERSUS

1. The Union of India through Director General, Government of India, Ministry of Labour, Jaisalmer House, Man Singh Road, New Delhi.
2. The Welfare Commissioner, Office of Welfare Commissioner, Labour Welfare Organisation, Ministry of Labour, 44-A, Gandhi Nagar, Philwara (Raj.).
3. Shri Mali Ram Soni, Pharmacist, Sujangarh Dispensary, District Churu (Raj.)

... Respondents

CORAM

Hon'ble Mr. O.P. Sharma, Member (Administrative)

Hon'ble Mr. Rattan Prakash, Member (Judicial)

For the Applicant Mr. Manish Bhandari.

For the Respondents ... ---

O R D E R

(PER HON'BLE MR. O.P. SHARMA, MEMBER (ADMINISTRATIVE))

In this application u/s 19 of the Administrative Tribunals Act, 1985, Dr. R.K. Meena has prayed that orders dated 22.7.93 (Annexure A-1) and 4.8.93 (Annexure A-2) treating the periods of absence of the applicant as dies non may be quashed with all consequential benefits, the respondents may be directed to pay the amounts which ^{have} been recovered from the applicant's salary vide Annexure A-3 dated 23.12.93 and they may be further directed that the impugned order treating the applicant's absence as dies non should not come in the way of the applicant's future promotion.

2. The facts, as stated by the applicant, are that vide order (Annexure A-1) dated 22.7.93, a certain period of absence of the applicant between May and July, 1991 was treated as dies non by the respondents. The applicant preferred an appeal

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(Annexure A-6) dated 5.8.93 against the aforesaid order. Meanwhile, however, on 4.8.93 another order was passed by the respondents treating certain other periods from September, 1992 to April, 1993, as dies non. The applicant preferred an appeal against the order vide Annexure A-7 dated 24.8.93 also. However, vide order dated 23.12.93 (Annexure A-8) recovery of pay & allowances for the periods treated as dies non has been effected. The applicant made a representation (Annexure A-9) dated 5.2.94 stating that his appeals against the impugned orders treating certain periods as dies non are still pending and, therefore, recovery of pay & allowances of those periods without deciding his appeal is illegal. The applicant's case is that neither have the appeal been decided nor has any decision been taken on the representation (Annexure A-9) dated 5.2.94. The applicant has also assailed on merits the orders treating the period of absence vide Annexures A-1 and A-2 as dies non.

3. We have heard the learned counsel for the applicant and have gone through the material on record. The learned counsel for the applicant, instead of pressing the application on merits, desires that the respondents may be directed to dispose of the applicant's appeals Annexures A-6 dated 5.8.93 and Annexure A-7 dated 24.8.93 as also the representation (Annexure A-9) dated 5.2.94 on merits. In the circumstances of the present case, we direct respondent no. 1, Director General, Ministry of Labour (Labour Welfare), Government of India, Jaisalmer House, Man Singh Road, New Delhi, to dispose of the above mentioned two appeals as also the representation made by the applicant on merits after dealing with all the points raised therein, by a speaking order, within a period of four months from the date of receipt of the copy of this order. Let a copy of the

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paper book: be also sent to respondent no. 1 at the address mentioned above alongwith the copy of this order.

4. The OA stands disposed of accordingly at the admission stage.


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(PATTAN PRATASH)
MEMBER(J)



(G.P. SHARMA)
MEMBER(J)