

(P)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.6/98

Date of order: 2.11.2000

Ganpat Lal Gora, S/o Shri Lakshman Fam, R/c Kalyanipura, Near Meo College, Ajmer, working as Pharmacist, Rly.Hospital, Ajmer.

...Applicant.

Vs.

1. Union of India through the General Manager Western Rly, Churchgate, Mumbai.
2. Chief Medical Superintendent, Railway Hospital, Western Railway, Ajmer.
3. Divisional Railway Manager, Western Railway, Ajmer.

...Respondents.

Mr.P.P.Mathur, Proxy of Mr.R.N.Mathur - Counsel for applicant.

Mr.U.D.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application the relief claimed by the applicant is that the applicant is entitled to Earned Leave for the period from 12.9.75 to 11.6.93, during which period he remained out of service due to penalty imposed upon him. He sought a direction to the respondents to give benefits of leave so credited to the applicant.

2. Reply was filed. In the reply it is stated that the applicant was removed from service vide order dated 12.9.75 and he was reinstated in service pursuant to the order dated 11.5.93 passed by this Tribunal in O.A No.858/89. This Tribunal vide order dated 11.5.93 in O.A No.858/89, directed to reinstate the applicant in service but he will not be entitled to any back wages from the date of removal to the date of joining back in service and the applicant will also be entitled to continuity of the service for pensionary benefits on retirement. However, he will not be entitled to claim any benefit of promotion and



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will also not be entitled to the benefits extended to his juniors on account of his removal.

3. On a perusal of the order dated 11.5.93, it appears that the Tribunal had not granted the applicant the benefit to grant the said intervening period for the purpose of leave.

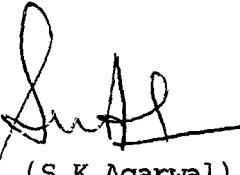
4. Chapter 5 of the Leave Rules, deales with the provisions regarding the credit/sanction of leave, etc. On a perusal of these provisions also, we are of the considered opinion that the applicant is not entitled to any relief sought for. Admittedly, the applicant did not perform any duty for the period from 12.9.75 to 11.5.93 and he was reinstated without benefit of the back wages, promotion, etc, therefore, the applicant is not entitled to any financial benefit during the said period on account of leave earned. The learned counsel for the applicant also failed to convince us as to how the applicant was entitled to financial benefit during this period on account of leave earned.

5. In view of above all, we do not find any merit in the O.A and the applicant is not entitled to any relief sought for.

6. We, therefore, dismiss the O.A having no merit with no order as to costs.


(N.P. Nawani)

Member (A).


(S.K. Agarwal)

Member (J).