

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 18.01.2002

OA No.255/2001

B.K.Sharma s/o Shri Brijeshwar Sharma r/o 153 Milap Nagar, Tonk Road, Jaipur presently working as intake Assistant Vocational Rehabilitation Centre for Handicapped, 4-SA/23, Surya Path, Jawahar Nagar, Jaipur

..Applicant

Versus

1. Union of India through its Secretary to the Government of India, Department of Labour, Ministry of Labour, Shram Shakti Bhawan, New Delhi.
2. Director General Employment and Training, Shram Shakti Bhawan, New Delhi.
3. Superintendent of Vocational Rehabilitation Centre for Handicapped, ATI Campus, Udyog Nagar, Kanpur.
4. Superintendent of Vocational Rehabilitation Centre for Handicapped, 4-Sa-23, Surya Path, Jawahar Nagar, Jaipur

.. Respondents

Mr.C.B.Sharma, counsel for the applicant

Mr. R.L.Agarwal, proxy counsel to Mr. Bhanwar Bagri, counsel for the respondents

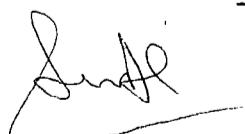
CORAM:

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

Hon'ble Mr. H.O.Gupta, Member (Administrative)

ORDER

Per Hon'ble Mr. S.K. Agarwal, Member (Judicial)

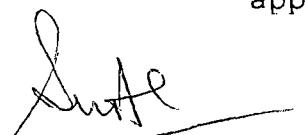


In this Original Application under Section 19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to treat the period from 16.8.1999 to 23.8.99 as leave by granting leave due to the applicant, to pay the salary for the period and quash the order at Ann.Al. Another prayer in this OA has been made is to direct the respondents to pay TA and DA and advance sanctioned to the applicant.

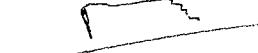
2. The learned counsel for the applicant does not press the prayer pertaining to payment of TA/DA, pay advance sanctioned to him vide order dated 21.10.99 etc. He is only pressing his prayer to quash the order of dies-non at Ann.Al and to direct the respondents to grant leave for the period 16.8.99 to 23.8.99 and to pay salary for the same.

3. Admittedly, the period from 16.8.99 to 23.8.99 was declared as dies-non vide order dated 30.8.99 at Ann.Al. No opportunity of hearing/show-cause was given to the applicant before passing the impugned order. No preliminary inquiry, whatsoever kind, was conducted before passing this order. In view of this, the only alternative before us to direct the respondents to regularise this period from 16.8.99 to 23.8.99.

4. We, therefore, quash the order dated 30.8.99 (Ann.Al) and direct the respondents to grant leave to the applicant as per rules for the period in question and to

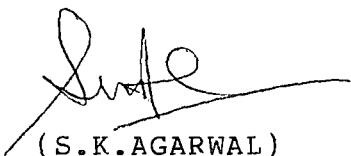


pay salary accordingly within the period of three weeks from the date of receipt of copy of this order. No order as to costs.



(H.O.Gupta)

Member (Administrative)



(S.K.AGARWAL)

Member (Judicial)