

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

8

O.A. No. 251 of 1997.

DATE OF DECISION..... 28-7-1999

Sri Durgesh Chanda.

(PETITIONER(S)

Sri M.Chanda

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

None present for the respondents.

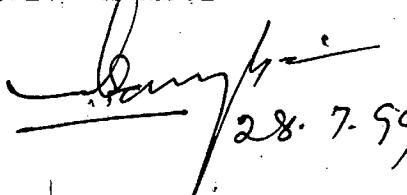
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


28.7.99

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 251 of 1997.

Date of Order : This the 28th day of July, 1999.

Shri G.L.Sanglyine, Administrative Member.

Shri Durgesh Chanda
Son of Sri Jitendra Chanda
resident of ICAR Complex for
NEH Region, P.O. Kolasib,
Mizoram.

... . . . Applicant

By Advocate Sri M.Chanda.

- Versus -

1. Union of India,
through the Secretary to the
Government of India,
Ministry of Agriculture,
New Delhi.

2. Director,
ICAR Research Complex for NEH Region,
Umroi Road, Barapani,
Meghalaya.

3. Joint Director,
ICAR Research Complex for
NEH Region, Mizoram Centre,
Kolasib,
Mizoram-796081.

... . . . Respondents

None present for the respondents.

O R D E R

G.L.SANGLYINE, ADMN. MEMBER.

The applicant was working as Laboratory Assistant, T-21 in the ICAR Research Complex, Mizoram Centre. He remained absent from duty with effect from 2.2.1996 to 16.4.1996 for which he had applied for leave on medical ground supported by medical certificate. The leave has not however been granted and no salary paid to him for the period. The applicant submitted representations requesting for granting of leave applied for and payment of salary. The respondent No. 3 responded by his letter dated 22.5.1996 to the effect that

medical and fitness certificates for the period from 1.3.1996 to 16.4.1996 only were submitted and therefore medical and fitness certificates for the period from 2.2.1996 to 29.2.1996 were to be submitted by the applicant for consideration of granting of leave applied for. Thereafter on 31.5.1996 the applicant submitted representation to the respondent No.2 but neither leave was granted nor salary paid. In fact there was no response from respondent No.2 to the representation. Hence this application. The respondents have submitted written statement. In para 3 of the written statement they had stated as below :-

..... the applicant submitted a revised leave application wherein he has applied commuted leave for 73 days and E.L. for 2 days (total 75 days) w.e.f. 2-2-96 to 16-4-96 on medical ground alongwith medical/fitness certificate from Dr. S.S.Dhar, Associate Professor of Ophthalmology, Silchar. On verifying the medical certificate, it appears that Shri Chanda was under treatment w.e.f. 1-3-96 to 16-4-96. Hence the leave as applied by him for 75 days w.e.f. 2-2-96 to 16-4-96 will be granted/sanctioned as E.L./commuted leave by the Respondent and the salary for the above period will be released as and when sanctioned order is issued by the office."

Thus the respondents agreed to grant leave and pay salary. Mr Chanda, learned counsel for the applicant however, submitted that before the revised leave application was submitted the applicant had earlier submitted application for leave alongwith medical certificate. This cannot be ignored by the respondents

2. I have heard learned counsel present. I direct the respondents to finalise the matter of granting of leave to the applicant within 60 days from the date of receipt of this order. If there is any irregularity or defect in the submission of leave application by the applicant, the respondents shall

allow him to rectify or remove the defects before expiry of the period and the revised action should be taken into consideration. For this purpose he may even be allowed to submit leave application afresh or the medical certificate submitted by him alongwith the leave application dated 29.1.1996 should be taken into consideration. If leave is granted admissible salary for the period from 2.2.1996 to 16.4.1996 shall be released by the respondents within one month after the date of sanctioning of leave.

3. In this application the applicant also prays for a direction to pay him Travelling Allowance for the period from 12.12.1995 to 17.12.1995 and 19.12.1995 to 22.12.1995. The respondents had submitted in the written statement that the matter will be settled. In the circumstances I direct the respondent No.2 to issue final order in this regard within one month from the date of receipt of this order after hearing the applicant personally.

With the above directions the Original Application is disposed of. No order as to costs.


28.7.96
(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER