

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 752/2000

Jabalpur, this the 19th day of June 2003.

Hon'ble Mr. D.C. Verma - Vice Chairman (J)

Hon'ble Mr. Anand Kumar Bhatt - Administrative (M)

Dr. Arupanand Naik  
S/o Late Purna Chandra Naik  
Aged 52 years R/o B.T. Road  
Garha Jabalpur M.P.

(Presently working as Junior Mining  
Geologist in the office at  
Indian Bureau of Mines Scheme  
No. 11 I.B.M. Colony Kamla Nehru  
Nagar Garha Road Jabalpur.)

APPLICANT

(By Advocate - Shri Rajneesh Gupta for Shri R.K. Gupta)

VERSUS

1. The Union of India  
Through Secretary  
Ministry of Mines  
New Delhi.
2. The Controller General  
Indian Bureau of Mines  
Indira Bhawan  
Civil Lines Nagpur  
Maharashtra - 440001
3. Administrative Officer,  
Indian Bureau of Mines,  
India Bhawan, Civil Lines  
Nagpur (Maharashtra State)
4. Regional Controller  
of Mines India Bureau of  
Mines scheme No. 11,  
Kamla Nehru Nagar Jabalpur  
(Garha Road) Jabalpur.

(By Advocate - Shri S.A. Dharmadhikari for Shri B. da.Silva)

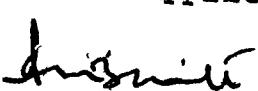
O R D E R (ORAL)

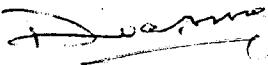
By Anand Kumar Bhatt, Administrative Member -

The applicant's case is that he had met with an accident on 28/02/1998, in which his right hand elbow was fractured and therefore he was absent from duty. ~~for 000000 days~~  
He rejoined his duties on 15.04.1998 and on the same day he applied for commuted/medical leave for a period of 37 days, which later, on the advice of the office, was changed into

HAL for 44 days. Through forwarding letter dated 08.05.1998, the applicant's application dated 15.04.1998 for 44 days "commuted" leave was forwarded. The application for commuted leave was turned down by the Leave Sanctioning Authority, though there is no formal order in this respect. Next application by the applicant was given much later on 17.05.2000. This application was rejected vide order dated 05.07.2000 by the Administrative Officer, Indian Bureau of Mines, as it was not given within 30 days' time limit prescribed as per the Ministry of Personnel, Public Grievances and Pensions Office Memorandum dated 31st December, 1997.

2. The arguments of both sides were heard.
3. We are not convinced that the date 17.05.2000 on which day the last application of the applicant was sent, should be the relevant date for deciding the case. The deciding date should be the date of the first application i.e. 15.04.1998 which was forwarded by the Controlling Officer on 08.05.1998 to the Leave Sanctioning Authority. Accordingly we direct the Leave Sanctioning Authority to reconsider the case of the applicant for grant of commuted leave and decide the issue, within a period of one month from the date of receipt of a copy of this order. The original application is disposed of accordingly.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(D.C. Verma)  
Vice Chairman (J)

प्रकाशन संस्था/व्यापार  
परिवर्तनी

- (1) राजेश
- (2) अमित
- (3) मनोज
- (4) विष्णु एवं अन्यथेक कार्यकारी

R. K. Gupta - A  
B. S. da Silva - D

*(Signature)*  
प्रिय राजेश

I issued  
on 22/6/03