

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR  
ORDER SHEET

ORDERS OF THE TRIBUNAL


02.04.2009


OA No. 49/2007

Mr. P.N. Jatti, Counsel for applicant.  
Mr. Gaurav Jain, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 02<sup>nd</sup> day of April, 2009

**ORIGINAL APPLICATION NO. 49/2007**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Mukesh Chand Sharma son of Shri Lachman Prasad by caste Sharma, aged about 26 years, resident of Village Samri, The. Bayana. Presently working as Stamp Vendor in Bayana Mukhya, Dak Ghar Bayana.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Superintendent Post Offices, Dholpur Division, Dholpur.
4. The Postmaster, Bayana Mukhya Dak Ghar, Bayana (Rajasthan).

.....RESPONDENTS

(By Advocate : Mr. Gaurav Jain)

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for the following reliefs:-

- (i) That by a suitable writ/order or the direction, the respondents be directed to draw the pay and the allowances of the applicant with effect from 28.08.2006 to 17.11.2006.
- (ii) Any other relief which the Hon'ble Bench deems fit."

2. The grievance of the applicant is that he was on medical leave w.e.f. 28.08.2006 to 17.11.2006 and after submitting the fitness certificate, he has not been given payment for the aforesaid period.

3. Notice of this application was issued to the respondents. The respondents have filed their reply. In the reply, the fact, as stated above, has not been disputed. The respondents in Para No. 2 of the reply have

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submitted that applicant in fact submitted ten illness certificates for the period mentioned therein. It is further stated that the applicant joined the duties on 18.11.2006. During the period leave, the applicant's leave was regularized as per details given in Para No. 4 of the reply affidavit. It is also stated in the reply that allowance for ten days worth Rs.1065/- was drawn by the Postmaster, Dholpur. Further, it is also stated that 73 days were without allowances as no leave was due in the credit of the applicant. Thus according to the respondents, nothing is required to be paid to the applicant except the aforesaid amount. The respondents have further stated that as can be seen from Annexure R/6, the amount of Rs.1065/-, which was to be paid to the applicant, has been refused by the applicant.

4. In this case reply has been filed on 29.11.2006 but no rejoinder has been filed by the applicant till date.

5. In view of what has been stated above, we are of the view that the matter can be disposed of in view of the material placed on record. Accordingly, in view of the uncontroverted stand taken by the respondents, the applicant is not entitled to any relief except Rs.1065/- which amount shall be paid by the respondents within a period of one month from the date of receipt of a copy of this order, in case the same has not already been paid to the applicant.

6. With these observations, the OA is disposed of with no order as to costs.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ