

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

06.05.2008

OA No. 153/2008

Mr. P.N. Jatti, Counsel for applicant.

Learned counsel for the applicant submits that in this he has prayed for grant of interim stay and, therefore, this case should have been listed before the Hon'ble Bench.

Be listed before the Hon'ble Bench on 07.05.2008 for orders.


(GURMIT SINGH)
DEPUTY REGISTRAR

ahq

7-5-2008

Mr. P.N. Jatti - Counsel for applicant.

Heard the learned counsel for the applicant.

For the reasons dictated separate the OA is disposed of at admission stage.


(M.L. CHAUHAN)
Member (T)

RF

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 7th day of May, 2008

ORIGINAL APPLICATION No 153/2008.

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

M.P.Mehta,
s/o late Shri K.L.Mehta,
r/o Bunglow No.3, Ganpati Nagar,
Railway Colony, Jaipur,
Presently working as CPTM,
N.W.Railway, Jaipur

.. Applicant

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

Versus

1. Union of India
through the Secretary,
Railway Board,
Rail Bhawan,
Raisina Road, New Delhi.
2. Managing Director,
Indian Railway Catering and
Tourism Corporation Ltd.,
9th Floor, Bank of Baroda Building,
Sansad Marg, New Delhi.
3. C.G.M., North Zone (IRCTC),
Rail Yatri Niwas Building,
Ajmeri Gate side,
New Delhi Railway Station,
New Delhi.

.. Respondents

(By Advocate:

O R D E R (ORAL)

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

"8.1 That by a suitable writ/order of the
direction the respondents be directed to draw the

pay and allowances of the applicant with effect from 27.12.2007 to 24.3.2008.

8.2 That a reasonable interest be allowed to the applicant on with holding the amount of pay and allowances.

8.3 That a reasonable cost for filing the OA be allowed to the applicant for the arbitrary action of the respondents for not allowing the pay and allowances.

8.4 An other relief which the hon'ble Bench deems fit."

2. In sum and substance, grievance of the applicant is regarding non-payment of pay and allowances for the period from 27.12.2007 to 24.3.2008. It is the case of the applicant that he was on sick leave during the aforesaid period and for that purpose he has submitted various sick certificates to the authorities. It is further averred that he has made a representation to respondent No.2 vide letter dated April 3, 2008 (Ann.A2), which has not been decided so far.

3. I have heard the learned counsel for the applicant at admission stage.

4. From the material placed on record, it is evident that the applicant has not attended the office w.e.f. 27.12.2007 to 24.3.2008 due to sickness for which purpose he has submitted medical certificate to the authorities. It was incumbent upon the appropriate authority to pass appropriate order as to how the aforesaid period is to be regulated, but certainly it was not open for the authority concerned to sit over the matter and not to decide the aforesaid period of the applicant thereby depriving him of pay and allowances.

allowances. As already stated above, since the applicant has made a representation to respondent No.2 which is pending, I am of the view that without going into merit of the case, the matter can be disposed of at this stage with direction to respondent No.2 to pass appropriate order on the representation of the applicant dated April 3, 2008 (Ann.A2).

5. Accordingly, respondent No.2 is directed to pass appropriate order on the representation of the applicant (Ann.A2) within a period of four weeks from the date of receipt of this order and in case the aforesaid period is regularized as leave of the kind due, the respondents shall make payment of admissible amount to the applicant within four weeks from passing of the order on the representation of the applicant. In case the applicant is still aggrieved, it will be open for him to file a substantive OA.

6. With these observations, the OA stands disposed of at admission stage.


(M.L.CHAUHAN)

Judl.Member

R/