

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 7th day of January, 2010

OA No.194/2009

CORAM:

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

Lallu Ram
s/o Late Shri Harbux,
r/o House No.13, Rajdeep Colony,
Meenawala, Sirsi Road, Jaipur and
Presently working as Senior Peon,
Office of D.P.M. North Western Railway,
Jaipur

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. The Union of India through General Manager, North-Western Zone, North-Western Railway, Jaipur
2. Chief Cashier, Office of General Manager, North-Western Zone, North Western Railway, Jaipur
3. Senior Divisional Finance Manager, North Western Railway, Jaipur
4. Divisional Finance Manager, North Western Railway, Jaipur

.. Respondents

(By Advocate: Shri Anupam Agarwal)

See

ORDER (ORAL)

The grievance of the applicant is regarding regularization of the period w.e.f. 13.6.2008 to 15.9.2008 by granting Hospital Leave as per provisions of Para 554 of IREM and not to deduct leave from the leave account of the applicant for the aforesaid period.

2. Notice of this application was given to the respondents. The stand taken by the respondents in the reply is that the applicant has submitted his request for treating him as Injury on Duty for the aforesaid period, but he has failed to apply as per leave rules. According to the respondents, Injury on Duty can be treated under the Workman Compensation Act, which is not applicable in the case of the applicant being a regular Group-D employee. The respondents have also in para 4(7) specifically stated that the applicant has failed to apply for Hospital Leave as per rules which was the requirement of Para 554 which cannot be ignored. It is further specifically stated that in case the applicant makes a request as per rules, the same will be considered by the competent authority.

3. In view of this specific stand taken by the respondents in the reply and the fact that the applicant has not made any request for treating the aforesaid period as Hospital Leave as per the aforesaid rules, I am of the view that that matter can be disposed of at this stage with liberty reserved to the applicant to make appropriate application before the appropriate authority for grant of Hospital Leave/Disability Leave and in case such application is made within

a period of two weeks from today, the competent authority shall consider the same sympathetically, as the fact remains that the applicant has sustained injury during the course of employment. The competent authority shall decide claim of the applicant within a period of six weeks from the date of receipt of the application.

4. With these observations, the OA stands disposed of. Needless to add that in case the applicant is still aggrieved, he is at liberty to file substantive OA for the same cause of action. No costs.



(M.L. CHAUHAN)
Judl. Member

R/