

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 18th day of August, 2011

OA No. 170/2010

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, 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. 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)

O R D E R (ORAL)

This is second round of litigation.. Earlier the applicant preferred OA No. 194/2009 and the same was decided on 7th January, 2010. The grievance of the applicant in the earlier OA was 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 the IREM and not to deduct leave from the leave account of the applicant for the aforesaid period.

2. This Tribunal disposed of the said OA 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 the date of the order, the competent authority shall consider the same sympathetically. Further observed that since the applicant has sustained injury during the course of employment, the competent authority shall decide the claim of the applicant within a period of six weeks from the date of receipt of the application.

3. Pursuant to the order passed by this Tribunal in OA No.194/2009 on 7th January, 2010, application of the applicant dated 21.1.2010 has been decided vide order dated 3.3.2010 (Ann.A/1) and declined to treat the aforesaid period as Hospital Leave as the applicant was neither deputed for delivering the dak on 13.6.2008 nor the risk involved during the



course of performing the duty by peon of Cash and Pay Office, as such, para 554 of IREC Vol.I does not permit for grant of Hospital Leave to the applicant. However, taking a lenient view, it was stated that if the applicant submits his application for grant of Leave Average Pay/Half Leave Average Pay from 13.6.2008 to 15.09.2008 the competent authority can consider the case accordingly, if due.

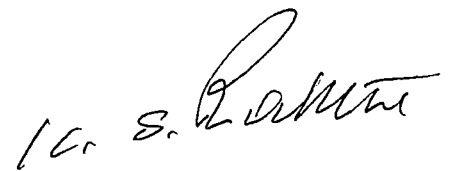
4. Having considered the rival submissions of the respective parties and upon careful perusal of Para 554 of the IREC as well as the order passed by this Tribunal in OA No.194/2009, this Tribunal vide its order dated 7.1.2010 directed to consider case of the applicant sympathetically as the applicant sustained injury during the course of employment and bare perusal of the impugned order dated 3.3.2010 it reveals that case of the applicant has not been considered sympathetically strictly in accordance with para 554 (i) and even the respondents have ignored the observations made by this Tribunal in OA No. 194/2009 vide its order dated 1.7.2010 to consider the case of the applicant wherein specific direction was to consider him on duty.

5. In view of this fact, I deem it proper to allow this OA and quash and set-aside the order impugned dated 3.3.2010 (Ann.A/1) and direct the respondents to consider case of the applicant afresh as per Para 554 clause (i) of the IREC Vol.I



treating him on duty and the injury which has been sustained is to be treated as injury occurred on account of performing the official duty and treat the period from 13.6.2008 to 15.9.2008 as Hospital Leave.

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



(JUSTICE K.S.RATHORE)
Judl. Member

R/