

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

16.9.2010

OA 390/2010

Applicant present in person.

Mr.B.L.Meena, CLA, departmental representative on behalf of the respondents.

When the matter was listed on 3.9.2010, this Tribunal had passed the following order :

“The departmental representative submitted that reply-affidavit is ready and will be filed in the Registry during the course of today. He also produced a copy of the same before the Bench, perusal of which shows that the respondents never restrained the applicant from joining the duty. It has also been stated in the reply-affidavit that the applicant is absent from duty w.e.f. 24.6.2010 to till date and he has never reported for duty before the appropriate authority.

According to the respondents, the present OA has been filed by the applicant in order to cover his unauthorized absence from duty.

The departmental representative present in the court further submitted that in case the applicant reports for duty before respondent No.3, he can be permitted to perform the duty on the post held by him with a liberty reserved to the department to decide the period of unauthorized absence of the applicant in accordance with rules.

The applicant, who is present in person, submits that he will report for duty before respondent No.3 either on 6th or 7th September, 2010.

In case the applicant presents himself for duty before respondent No.3 on 6th or 7th September, 2010, respondent No.3 shall permit him to perform the duty.

Let the matter be listed on 16.9.2010.”

The applicant as well as departmental representative is present in person. The applicant submits that pursuant to the aforesaid order dated 3.9.2010 he has been permitted to perform the duty by respondent No.3. Thus, in view of this development, prayer of the applicant to the extent that direction may be given to the respondents to take him on duty does not survive.

So far as further prayer of the applicant that the intervening period from 13.7.2010 till the applicant is taken on duty be regularized, no such direction can be given to the respondents at this stage as, according to the respondents, the applicant is absent from duty w.e.f. 24.6.2010 and the said period has not been regularized so far. Thus, no positive direction can be given to the respondents on this aspect. It is, however, clarified that in case any adverse order is passed by the respondents regarding the period w.e.f. 24.6.2010 till the applicant is taken on duty pursuant to the order dated 3.9.2010, during which the applicant has not performed duty, it will be open for the applicant to file another OA.

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


(M.L. CHAUHAN)
MEMBER (J)

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