

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

LIBRARY

No. CPC 350/00176/2016
(OA 350/00560/2015)

Date of order : 5.10.2016

Present: Hon'ble Justice Mr. Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

PINTU KUMAR DAS

VS

KAVERY BANERJEE & ORS. (POSTS)

For the applicants : In person

For the respondents : Mr.P.Sharma, counsel

O R D E R (ORAL)Justice Mr.V.C.Gupta, J.M.

Heard the applicant in person and the counsel for respondent/contemnor.

2. This is a matter to be considered in a separate proceeding. Compliance report has been placed on record by the Id. Counsel for the respondents. An order was passed on 21.3.16 for posting of the applicant on identified post of PWD. But the applicant has not joined the post in time and actually joined the post on 3.9.16. The applicant was posted in a supernumerary post till he was accommodated considering his inconvenience on 15.5.15 and was allowed to continue in the supernumerary post till an identified post is made available for posting as per DOPT memorandum dated 25.2.15.

3. It has been stated that the applicant proceeded on medical leave without any proper application and certificate and he joined the post on 3.9.16 without submitting a proper fitness certificate in terms of the rules. Hence his absence period has not been regularised.

4. We find no justification when the respondents has passed an order for accommodating the applicant on 21.3.16 then why they will not serve the order upon the applicant to join. It is only due to wilful absence of the applicant that he did not join the post. So nothing adverse can be drawn against the

respondents. As the period of absence has not yet been regularised so we direct the applicant to comply with the directions of the employer to submit a proper application for leave strictly in accordance with rules. In case the proper application for leave along with medical certificate is submitted to the employer within two weeks from today, the authorities shall pass an appropriate order in accordance with the rules.

5. Accordingly this Contempt Application is disposed of.

(JAYA DAS GUPTA)
MEMBER (A)

(VISHNU CHANDRA GUPTA)
MEMBER (J)

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