

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
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No.O A /350/667/2017

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member**

Upendra Kumar Singh  
Son of Late Suresh Prasad Singh  
R/o Lal Makan Mainpura,  
P.S. – Pataliputra,  
District – Patna  
A/p posted as SSE/ Works/ Rourkela

.... Applicant.

Versus

1. Union of India,  
through the Secretary Railway Board,  
Government of India,  
New Delhi Pin - 110 001.
2. The General Manager  
Southern Eastern Railway  
G RC. Kolkata - 43  
West Bengal.
2. Chief Personnel Officer  
Southern Eastern Railway,  
G RC. Kolkata - 43,  
West Bengal.
3. Dy. Chief Personnel Officer (NG),  
Southern Eastern Railway,  
G RC. Kolkata - 43,  
West Bengal.
- Sr. Divisional Personnel Officer,  
S.E. Railway, CKP, Division,  
Distt. – Singhboom,  
Jharkhand PIN – 833 102.
4. Sr. Divisional Engineer (Cord),  
CKP, S.E. Railway,  
CKP Division,  
Distt. – Singhbhoom,  
Jharkhand, PIN – 833102.

5. Sr. Divisional Engineer (West),  
CKP, S.E. Railway,  
CKP, Division,  
Distt. – Singhbhoom,  
Jharkhand, PIN – 833102.
6. Sri R.K. Sarswat m  
Sr. Divisional Engineer (West),  
CKP, S.E. Railway,  
CKP Division,  
Distt. – Singhbhoom,  
Jharkhand, PIN – 833102.
7. Sri K.C. Sahu,  
Assistant Divisional Engineer,  
S.E. Rly. Raurkela,  
Qr. No. D/6 Rly. Colony,  
Near Bara Park,  
District – Sundargarh,  
Orissa.



For the applicant : Mr. N. Roy, counsel  
Mr. M. Prasad, counsel

For the respondents : Mr. B.L. Gangopadhyay, counsel

Heard on : 20.09.2018

Order on : 15.11.18.

### ORDER

Bidisha Banerjee, Judicial Member

The relief sought for in the present O.A. is as follows:-

"8. For a direction to the respondents to sanction leave for the period 6.5.14 till 19.5.14 and 25.6.14 till 11.7.14 during which applicant remain ill and certificates of the concern Doctors have been submitted and applicant has been allowed to join after issuing fitness certificates by the Rly. Doctor and his 200 LAP was due during that period and there is circular of the Govt. for sanctioning leave if concern person remain under treatment of Private Doctors."

2. The applicant is aggrieved as his leave from 05.05.2014 to 19.05.2014 and again from 25.06.2014 to 11.07.2014 which he had to avail for his medical treatment by leaving headquarters but without permission of his controlling authority, was not regularised. His appeal to higher authorities was turned down.

3. The respondents submitted in their reply that the applicant had moved O.A.No.240/2012[R] in C.A.T. ,Circuit Bench at Ranchi and the said O.A. was dismissed on 21.09.2015 for it was quite indecipherable. Records reveal that the said O.A. was filed having impleaded several railway officials as private parties including one Sri Ran Vijal Sigh @ Tuna Singh, Proprietor, Singh and Sons Private Limited, Rourkela, which the Tribunal found beyond its jurisdiction. A bare perusal of the order dated 21.09.2015 shows that the applicant had sought for joint inspection in regard to preparation of a Measurement Book(M.B.) so that payment be made to contractor. However, the O.A. was dismissed as it was found misplaced and the matter not being within the domain of the authorities.

4. It appears that an order dated 28.12.2016(Annexure A/7) was communicated to the applicant which reads as under:-

"NO: SER/P.HQ/Samadhan/661/RB/173/UKS Dated : 28.12.2016.

To  
Shri Upendra Kumar Singh,  
SSE(Works)/Rourkela.

Sub: Regarding non-sanction of sick leave of Sri Upendra Kumar Singh, SSE(Works)/ Rourkela, Chakradharpur Division, South Eastern Railway.

Ref: Your application dated 31.10.2016 addressed to the DRM/CKP, and copy to Chairman Railway Board and others.

In reference to your above cited letter it is informed that the subject case has been examined by the divisional authority and it is found that you had left your headquarter on Casual Leave without prior permission of the competent authority. Also, you have applied for leave on account of sickness in two different spells supported by Private Medical Certificate without following the guidelines of medical leave wherein an employee has to inform the nearest Railway Hospital within 03 days time of his sickness. The leave sanctioning authority did not sanction your leave for not fulfilling the conditions as per rule.

Sd/-

(B.N. Sen)

Dy. Chief Personnel Officer (NG)  
For Chief Personnel Office

It is evident therefrom that the application for leave was accompanied by PMCs but only because he failed to inform the nearest railway hospital within 3 days of his sickness, his leave was not sanctioned. He also sought for information through RTI on 02.01.2017 which prayer has been turned down on the ground that such information to any third party could not be disclosed.

4. The O.A.No.240/2012[R] which had been filed by applicant earlier, was dismissed by C.A.T, Circuit Bench at Ranchi for it was quite indecipherable, misplaced and not being within the domain of the Tribunal. Therefore, the said order should not stand in the way of consideration of his prayer for regularisation of his leave period. The respondents failed to indicate in their reply the reason for non- consideration of the applicant's appeal by the higher authority. The applicant detailed the reasons of his leave in his rejoinder which has not been replied to or controverted in any manner whatsoever by the respondents. The medical certificates and prescriptions have been duly annexed.

5. In view of such, the O.A. is disposed of with a direction upon the competent higher authority to look into the grievance of the applicant and pass appropriate

reasoned and speaking order as per law in regard to sanction of leave for the period in question, within 2 months from the date of receipt of this order.

6. No costs.

*B. Banerjee*  
**(Bidisha Banerjee)**  
**Judicial Member**

sb

