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CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 684 OF 2018

DATE OF DECISION:- 24th January, 2019.

Coram:- R. Vijaykumar, Member(A)

Shri. Suresh Chandra

Adult, Indian Inhabitant bearing ID No.

6627909-N Veh/ Mech Hs-II,

Currently residing at S/No.45-

A/3B, Dhole Park, Opp. Vatslya School,

B.T. Kawade Road,

Pune 411001.

.....Applicant

(Applicant by Advocate Ms. Shaista Pathan for M/s. Y&A Legal)

Versus

1. Union of India

Through The Secretary

Ministry of Defence (Department of Legal affairs)

South Block,

New Delhi 110011.

2. Officer Commanding,

752 Tpt, Coy ASC (Civ.GT), PIN 900449,

C/o. 56 APO.

.....Respondents

ORDER (ORAL)

I. This OA was filed on 05.09.2018 under Section 19 of the Administrative Tribunals Act, 1985 by the applicant seeking the following reliefs:

"8(a) That this Hon'ble Tribunal be pleased to set aside order dated 27.02.2018.

(b) That this Hon'ble Tribunal be pleased to direct the Respondent not to adjust the paid leave of the applicant for the period of 01.12.2017 to

05.05.2018 and absence period may please be treated as duty and interest be granted as per the rules;

(c) The respondents be ordered and decreed to pay to the applicant costs of the application and the professional costs;

(d) That such other and further reliefs be granted to the applicant as the facts and circumstances may require and this Hon'ble Tribunal may deem fit and proper."

2. Heard, learned counsel for applicant. The applicant has referred to the impugned orders which regulate the absence of the applicant from 01.12.2016 to 04.05.2017 by regularizing that period and by granting leave as admissible as under:

<u>01 Dec 2016</u> <u>06 Apr 2017</u>	Gtd 127 days EL for the period.
&	
<u>07 Apr 2017</u> <u>04 May 2017</u>	Gtd 28 days commuted leave (debitable to 56 days HPL) for the peeriod.
	(DO Pt II No.752/Civ/30/02/2017 dt 11 Jun 2017 refers)

3. These were in consequence and obedience of the orders of the Tribunal in the OA No. 226/2017 passed on 09.11.2017 which recorded as follows:-

"6. However, learned Advocate for the

applicant submitted that since the movement order was already issued to the applicant, however in pursuance passed of the interim order the respondents allowed applicant to join this Tribunal, the same post on 06.05.2017. He submitted that directions may kindly be issued to the respondents to release the salary for the period from 01.12.2016 to 05.05.2017 by granting leave admissible to him for his absence. In this behalf the applicant made a representation to respondents for regularization of the leave and appropriate order be passed thereon."

4. As we read above, the period of absence from duty from 01.12.2016 to 05.05.2017 was to be regulated by the respondents by granting leave as admissible and this has been done by the respondents in the impugned order. The reliefs 8(b) claimed by the applicant is in direct opposition to the orders of this Tribunal and essentially seek to review the orders in applicant's favour. This could have been done in review or appeal jurisdiction and not in the present format of this application.

5. In the circumstances, this OA is not maintainable and it is accordingly dismissed at the admission stage without any order as to costs.

*(R. Vijaykumar)
Member (A)*

srp

