

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA 2963/2013

New Delhi, this the 19th day of December, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member(J)

Jai Bhagwan Saini
Driver in DTC
Bedge No. 18998
Token No. 56864
Aged about 51 years
S/o Sh. Nathu Ram
R/o S-1/14, Swaran Park
Mundka, Delhi.

...Applicant

(By Advocate : Mr. Anil Singal)

Versus

Delhi Transport Corporation
Through its Chairman-cum-MD
I.P. Estate, New Delhi – 2.

...Respondents

(None)

ORDER (ORAL)

Ms. Nita Chowdhury :

This OA has been filed by the applicant seeking the following reliefs :-

“8.1 To direct the respondents to give suitable light duty with pay and other benefits to the Applicant as per the provisions of the Persons with disabilities (equal opportunities, protection of rights and full participation) Act, 1995 :

2. To direct the respondent to pay the salary for the period starting from the period he was laid off duty till the date of assignment of duty with interest and other consequential benefits.
3. To award costs in favor of the applicant and
4. To pass any order or orders which this Hon'ble Tribunal may deem just & equitable in the facts & circumstances of the case.”

2. Today learned counsel for applicant stated that after filing of this OA, respondents have in fact allowed him to join duty on 16.11.2013 and, now, it is his grievance that the respondents should pay him for the period when they did not permit him to join duty, i.e. from 21.06.2013 till the date of his joining. The CA filed by the respondents states a contrary position and they

have informed in their CA that the applicant had been advised by the respondents to produce the relevant documents with regard to his said sickness and to appear before medical board with the said papers. It is their contention that the applicant has not attended his duties since July, 2013. As there is factual dispute with regard to the date of actual joining of this applicant and it is also a matter of record that the applicant appeared before the medical board of the respondents on 19.06.2013 and that the medical board advised him rest for a period of one month, i.e. from 21.06.2013, hence, it is not possible to simply agree with contention of the applicant, as the respondents are repeatedly stating that till the filing of CA, the applicant had not submitted the documents asked for and nor had he attended duty, after the medical board directed him to appear before them with the relevant records of his sickness. As the factual joining of the applicant is disputed, the applicant is permitted to give a copy of his representation on this matter to the respondents within 15 days. The respondents are directed to pass a speaking order on the same within 90 days.

3. OA partly allowed with the above directions. No costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

/anjali/