
(2010) 10 SHI CK 0169
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 7123 of 2008

Laxmi Dutt

APPELLANT

Vs

H.R.T.C. and Others

RESPONDENT

Date of Decision : 25-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0169

Hon'ble Judges : Kurian Joseph, C.J;Kuldip Singh, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

(a) The respondents may be directed to treat the applicant on duty w.e.f. 28.4.1999 when he submitted his joining report after declaring him fit to resume duty.

(b) The respondents be also directed to pay the salary of the applicant for the period from 28.4.1999 to 16.6.1999.

2. In the reply, it is stated as follows:

It is incorrect to say that the leave has been sanctioned suo-moto by the Department vide Office order No: HRTC-MD/Estt/PF/E-98-99-582-584, dated 24.04.1999. However, the fact is that the applicant had applied for the extension of leave vide application dated Nil which was received in the Office on dated 30.03.1999. The applicant moved an application for leave for indefinite period till he recovers finally from illness. Copy of the English version of the said application is annexed as Annexure R-1 and keeping in view the submissions made in the application the Office has sanctioned the application for leave for 40 days i.e. from 07.02.1999 to 18.03.1999. English version of sanctioning leave order is annexed as Annexure R-2.

That thereafter the applicant did not join his duties on 19.03.1999 but his application was received on dated 30.03.1999 for the extension of leave. Copy of

English version of the said application is annexed as Annexure R-3. The applicant has not willfully joined the duties nor any intimation to this effect was received in the Office of the respondents till 30.3.1999. But keeping in view the grievances of the applicant, the office of the respondents has taken lenient view as the applicant has stressed the respondent No. 2 to sanction his leave till he recovers from the illness and thus the office has sanctioned his leave of kind due w.e.f. 19.03.1999 to 21.08.1999. Copy of sanction of leave is already filed by the applicant as Annexure P2.

3. There is no rejoinder. In case the petitioner has any dispute with regard to the position as stated above, it will be open to him to pursue the same by way of statutory appeal before the Divisional Manager. With such liberty, the petition is disposed of, so also the pending application(s), if any.