



2025:DHC:10902-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 03.12.2025

+ W.P.(C) 9813/2024 & CM APPL. 40196/2024
SANT RAM

.....Petitioner

Through: Mr. H. D. Sharma and Ms.
Neelima, Advs.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. Mayank Sharma, Mr.
Gopesh Jindal, Ms. Malvika
Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 11.06.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 702/2022, titled *Sant Ram v. Union of India through the Secretary, Defence and Another.*, whereby the learned Tribunal disposed of the said O.A. filed by the petitioner herein with the following terms:

“6.Relief(s) ;We, therefore, dispose of the present OA with following direction(s) :-

6.1 The applicant shall submit the leave application for the purpose of treating



the leave period for releasing the pay and allowance for the period from 11.02.2022 to 19.01.2023 which has to be regularized and the respondents shall consider the matter and pass an order afresh on the applicant's application for sanction of commuted leave i.e. earned leave in the light of the above position within four weeks from today. The same shall be communicated to the petitioner forthwith.

6.2 All consequential benefits shall be released to the applicant within eight weeks from the date of office Order.

6.3 In case the respondent fails to release the consequential benefits, the applicant shall be entitled to interest thereon at the rate of 6% per annum from the date of the office order till its release.

6.4 The OA is disposed of accordingly. All pending misc. application(s), if any also disposed of. No costs.”

2. The learned counsel for the petitioner submits that the petitioner had applied for earned leave for the period from 08.10.2021 to 10.02.2022. On 11.02.2022, when the petitioner reported for duty, he was not allowed to join and was eventually permitted to resume the duties only on 20.01.2023. The respondents insisted that the petitioner produce a medical fitness certificate before allowing him to join the duty.

3. The learned Tribunal, in its Impugned Order, insofar as these issues are concerned, has held in favour of the petitioner, by observing as under:

“5. CONCLUSION

5.1 Whether the respondents can suo moto convert commuted leave into



earned leave in light of discretion, to accept a Certificate signed by a Registered Medical Practitioner in terms of Rule 24(3) (d) of CCS(Leave) Rules 1972?

Ans. Since the applicant had already been sanctioned EARNED LEAVE from 08.10.2021 to 10.02.2022 and he was allowed to join his duty, though under Tribunal's directions, on plain reading of the above provision in terms of Rule 24(3)(d) of CCS(Leave) Rules 1972, the power to sanction is discretionary, which has been rightly exercised by the Competent Authority. Furthermore, no explanation is forthcoming as to why the applicant's various representation(s) have not be decided.

5.2 Whether Rule 19(3) read with Rule 24(3) (d) of CCS(Leave) Rules 1972 suffice the purpose of requirement for fitness certificate for commuted leave into earned leave?

*Ans. As held by the Hon'ble High Court in **Surender Pal Singh (supra)**, the same is answered in favour of applicant being discretionary.*

5.3 Whether the petitioner was entitled to commuted leave when he could not submit a medical certificate and fitness certificate as per the prescribed format dealt with in Rule 30 (l)(a) and (d) of FRSR Part III Leave Rules under the present circumstances ?

Ans. There is nothing wrong in accepting a certificate signed by a Registered Medical Practitioner in terms of Rule 24(3) (d) of CCS(Leave) Rules 1972 for the purpose of commuted leave i.e. treating it to be earned leave. More-so, no departmental proceeding were initiated by the Competent Authority for unauthorized leave having accepted earned leave from 08.10.2021 to 10.02.2022.”



4. The learned Tribunal, however, after recording the above findings, directed the petitioner to make an application for the regularization of the period of absence from 11.02.2022 to 19.01.2023 and further directed the respondents to consider the said application.

5. In our view, the learned Tribunal ought to have considered the effect of the pendency of the above O.A. and passed an appropriate order in that regard. The petitioner had approached the learned Tribunal for the following reliefs:

"8.1 Allow the OA and direct the respondents to sanction the earned leave of the petitioner for the period from 20.09.2021 & 21.09.2021 and from 08.10.2021 to 10.02.2022 on medical ground and allow the petitioner to join the duties w.e.f. 11.02.2022 and accordingly release his pay and allowances as usual from 11.02.2022 onwards."

6. The learned Tribunal should, therefore, have considered whether the petitioner was entitled to the release of all pay and allowances from 11.02.2022, and whether the petitioner was unlawfully restrained by the respondents from joining duties from 11.02.2022 onwards, and, if so, the effect thereof, rather than leaving the matter to be determined in the manner reflected in the Impugned Order.

7. We, therefore, remand the matter back to the learned Tribunal with a direction to reconsider this period afresh in accordance with law and to pass necessary directions in that regard after hearing the parties. The O.A. shall stand restored to its original number.



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8. The parties shall appear before the learned Tribunal on 22nd December, 2025.
9. The learned Tribunal is requested to decide the O.A. on this limited remand, within a period of four weeks from today.
10. We must make it clear that since neither party has challenged the conclusions/findings of the learned Tribunal in paragraph 5 of the Impugned Order, the further proceedings before the learned Tribunal shall be conducted on that basis.
11. The present petition, along with the pending applications, is disposed of in the above terms.
12. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 3, 2025/prg/k/DG