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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.538/99

New Delhi: this the 3<sup>rd</sup> day of February, 2000.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A)

HON'BLE MR.KULDIP SINGH, MEMBER (J)

Shri Sunil Prashar,  
S/o Shri Jagdish Prasad Sharma,  
Electrical Chargeman/Junior Engineer,  
Train Lighting, Western Railway,  
New Delhi Railway Station,  
New Delhi.

R/o T-90/B, Loco Colony (MG)  
Kishan Ganj,  
Delhi -6 ..... Applicant.

(By Advocate: Shri K.K.Patel )

Versus

1. Union of India,  
through  
the General Manager,  
Baroda House,  
New Delhi.
2. Divisional Railway Manager,  
Western Railway,  
Kota Division,  
Kota Junction (Raj)
3. Shri Sanjeev Bhardwaj,  
Sr. Divisional Electrical Engineer,  
Electric Loco Shed,  
Tughlakabad,  
New Delhi-44. .... Respondents.

(By Advocate: Shri. Meera Chhibber).

ORDER

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A).

Applicant seeks payment of salary for the period May to August, 1996, with penal interest and costs.

2. Respondents in their reply state that they have disallowed this payment because applicant has not marked attendance in the Attendance Register of PP10

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Office in defiance of the joint note drawn by two Sr. DEE, on 14.12.95. Applicant however, contends that Railway Board's statutory rules nowhere entitles the superior officer to withhold salary for failure to mark attendance in a particular register.

3. Heard both sides.

4. It is not respondents' case that applicant has not actually worked for the aforesaid period. The signing of the attendance register is primarily to establish that an employee has attended his office/organisation to perform his duties, and as respondents do not deny that applicant has put in work for the aforesaid period, his salary and allowances for the aforesaid period should be released to him within 1 month from the date of receipt of a copy of this order. It will however be open to respondents to make clear to applicant that if he continues not to affix his signature in the prescribed attendance register, such behaviour will invite appropriate departmental action in accordance with relevant rules/instructions.

5. The OA is disposed of in terms of para 4 above. Prayer for interest and costs is rejected.

  
( KUL DIP SINGH )  
MEMBER(J)

  
( S. R. ADIGE )  
VICE CHAIRMAN(A).

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