

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00110/2020

Date of Order: This, the 3rd Day of June, 2020

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER



1. Manjil Ghori
SD No. 215241
S/o- Lt. Ajim Ali
Vill: Changmaghri
P.S.: Rangiya, P.O. – Changmaghri
Pin – 781354, Dist. Kamrup (R), Assam.
2. Shri Md. Harej Ali
SD No. – 215184
S/o- Lt. Kadder Ali
Vill. – Nizdorigog
Pin – 781380, P.S.- Rangiya, P.O.- Kaninha
Dist.- Kamrup (R), Assam.
3. Ayesha Begum
SD No. – 215191
W/o- Md. Abdul Hai
Vill- Pub-Sahan
Pin – 781354, P.S.- Rangia
Dist.- Kamrup(R), Assam.
4. Smt. Urmila Devi
SD No. – 215234
W/o- Sri Pandit Tal
Vill – Pub Sahan, P.O.- Rangiya
P.S.- Rangiya, Pin – 781354
Dist.- Kamrup (R), Assam.
5. Majid Ali
SD No.- 215239

S/o- Lt. Mamud Ali
 Vill- Udiana, P.O.- Rangiya
 P.S.- Rangiya, Pin – 781354
 Dist.- Kamrup (R), Assam.

6. Md. Siraj Uddin Ahmed
 SD No. – 215156
 S/o-Lt. Kader Ali
 Vill- Nizdorigog, P.O.- Kaninha
 P.S.- Rangiya, Pin- 781380
 Dist.- Kamrup (R), Assam.

7. Md. Ashraf Ali, SD No. 215227
 S/o-Lt. Rafiq Ali
 Vill. – Chepti, P.O. – Rangiya
 P.S.- Tamulpur
 Pin – 781354
 Dist. – Kamrup (R), Assam.

8. Nabi Ali
 SD No. 215185
 S/o- Lt. Chensur Ali
 Vill- Pub Sahan, P.O.- Rangiya
 P.S.- Rangiya, Pin – 781354
 Dist.- Kamrup (R), Assam.



Vs

1. The Union of India
 Represented by the Secretary to the
 Government of India, Ministry of Defence,
 South Block, New Delhi – 110001.

2. The Additional Director General of Staff
 Duties (SDGE), General Staff Branch, Army
 Headquarters, DHQ, P.O. New Delhi –
 110011.

3. The Administrative Commandant
 Station Head Quarter, Rangia
 Pin- 900426, C/o- 99 APO.

4. Col. Anup Alagarajan
 Administrative Commandant

Station Head Quarter, Rangia
Pin – 900426, C/o-99 APO.

For the applicants: Sri M Chanda, Smt U Dutta & Sri K
Abhinaba
For the Respondents: Sri S.K.Ghosh, Addl. C.G.S.C.

O R D E R (ORAL)

MANJULA DAS, MEMBER (J):

The matter has been taken up through video conferencing.

Since the relief(s) sought for in this OA by all the applicants are common, the prayer for joining together in this OA is allowed under Section 4(5)(a) of the CAT (Procedure) Rules, 1987 is allowed.

2. At the outset of moving of this application a query was made to Sri M Chanda, learned counsel for the applicant as to multiple prayers made in paras from 8.1 to 8.8. Learned counsel submits that in this OA he is not pressing the prayers made in para 8.3 to 8.6 in this OA for which applicant would file a separate OA. His prayer is accepted. Accordingly, this matter is restricted to prayers made in paras 8.1, 8.2, 8.7 & 8.8 only which are extracted as under:-





“8.1 That the Hon’ble be pleased to direct the respondent no. 3 for immediate refund of the salaries of the individual applicants which were deducted without providing any reasonable opportunity on the alleged ground of absence on 25.03.2020 as well as on 26.03.2020 during the period of nation-wide/state-wise lockdown without following any established procedure of law and also without following the relevant instructions issued by the Government of India, Ministry of Home Affairs, New Delhi, as well as by the Hon’ble Governor of Assam via order dated 24.03.2020 as well as vide Notification dated 23.03.2020 respectively with immediate effect without any further delay.

8.2 That the Hon’ble Tribunal be pleased to direct the respondents to refund the salary of the applicant No. 1 and No. 4 which were illegally deducted without following any established procedure of law on the alleged ground of absence on 10.12.2019 on the day of Assam Bandh, refusing the application for sanction of casual leave of the individual applicants without further delay.

8.7 Costs of the application.

8.8 Any other relief(s) to which the applicants are entitled to as the Hon’ble Tribunal may deem fit and proper.”

3. It is submitted by the learned counsel for the applicants that due to nation-wide lockdown as declared by the Hon’ble Prime Minister of India on 24.03.2020 and due to heavy restriction in public movement imposed by the local police authority and



lack of transport facility the applicants could not attend their duties on 25.03.2020 and 26.03.2020 and on the alleged absence from duty on those two days, the authorities have deducted 2 (two) days salary from his salary. Sri M Chanda, learned counsel has drawn our attention to the orders of the Ministry of Home Affairs, Govt of India dated 24.03.2020, the orders of Governor of Assam dated 23.03.2020 and the Govt of India declaration as regards no deduction of salaries during lockdown period which was published in daily newspaper 'Asamiya Pratidin' in its issue dated 26.03.2020. According to the learned counsel, lockdown was declared on 24.03.2020 (night) and that is why the applicants could not attend their duties on 25.03.2020 and 26.03.2020. Learned counsel submitted that action of the respondents in deducting salary is in total violation of the lockdown guidelines issued by the Government to prevent the spread of pandemic COVID-19 to the society.

4. We have noted that applicants have not exhausted available to them before approaching this

Tribunal. Learned counsel for the applicants is agreed to make representation before the authority within a time frame. Sri S K Ghosh, learned Addl. C.G.S.C. appearing for the respondents submits that the respondents will have no objection if the applicants approach them for redressal of their grievances.



5. In view of the above, without issuing notice to the respondents and without going into the merits of the matter, this OA is disposed of at the admission stage itself with the following directions:-

- (i) The applicants are directed to make comprehensive representation before the authority within a period of ten days.
- (ii) On receipt of such representation the respondent authority shall dispose of the same as per guidelines issued by the Govt on the subject during the period of lockdown within a period of fifteen days thereafter.
- (iii) It is made clear that if any deduction from salary is made due to absence as claimed by the

applicants the same will be immediately refunded to the applicants.

(iv) No coercive action shall be taken against the applicants.

(N. NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICAIL MEMBER



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