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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 373/1986

New Delhi this the 12th Day Of November, 1993

The Hon'ble Mr.N.V.Krishnan, Vice Chairman(A)
The Hon'ble Mr.B.S.Hegde, Member(J)

Sh.V.K.Aggarwal
S/o Sh.R.S. Aggarwal,
r/o 76/4, Lajpat Rai Market,
Delhi

... Applicant

(None for the applicant)

Versus

1. Union of India,
Ministry of Communications,
Department of Posts, New Delhi.
2. The Superintending Surveyor of Works I,
P&T Civil Sanchar Bhawan, N/Delhi.

... Respondents

(None for the respondents)

ORDER(ORAL)

(Hon'ble Sh.N.V.Krishnan, Vice Chairman(A))

The applicant was a Junior Engineer(Civil) under the Superintending Surveyor of Works-I, P&T, Civil Sanchar Bhawan, New Delhi. He was employed from 4.7.72. The grievance giving rise to this OA arose around 1982. It is stated in the O.A. that as the applicant's mother became ill, the applicant proceeded on leave from 22.3.82, after getting it sanctioned. According to him, he sent various letters(Annexure A to Annexure-1) to the Department to extend his leave from time to time because of the continued illness of his mother. He also states that he sent a number

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of letters to the respondents to send him his leave salary.

2. It would, however, appear from the Memo.No. 3(13)63/S.S.W/P&T/1582 dated 10.5.1983 of the respondent(Annexure-Q) that the applicant was treated to be unauthorizedly absent from duty from 22.3.82 onwards. This memo refers to a number of letters of the applicant, the last of which is dated 13.10.82 (A-N) by which the applicant sought extension of leave. These have been dismissed as giving some flimsy reasons. Therefore, the absence from 22.3.82 was treated as unauthorized ^u and as 'Dies Non' i.e. that it will neither count for service nor be construed as break in service. The applicant was also directed to report ^u for duty under ^u ~~of~~ ⁱⁿ more stringent action being taken against him.

3. Immediately thereafter, the applicant tendered his resignation with a request that all documents and remittance due to him be sent to the address given ^u ~~then in~~ ⁱⁿ ~~under~~ his letter dated 4.6.83 (Annexure-P) ^u of resignation

4. This was accepted w.e.f. 22.3.1982(FN) vide the order dated 17.1.1986(Annexure-S)

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5. The applicant represented on 15.11.84 (Annexure-T) that respondent had not remitted the balance of his leave salary with interest his GPF, insurance, bonus amount etc. The applicant sent a lawyer's notice (Annexure V) dated 12.8.1985 claiming from the department the following amounts.

- a. GPF amount Rs 10,000-00
- b. Insurance Rs 5,000-00
- c. Productivity linked bonus Rs 543-00
- d&e (125 days E.L. and 130 days H.P.L.)
Rs 8,500-00

6. In the meanwhile, the respondent had informed the applicant by Annexure-W dated 27.2.1985 that his resignation from the post of JE (Civil) would be formally accepted as on 31.3.1982 (AN) subject to the following conditions:-

- a. " 1. As you had remained absent from duty wef 22.3.82, the period from 22.3.82 to 31.3.82 has been declared as 'Dies Non' as already intimated in this office letter No.3(13)83/SSW-I/P&T/1582 dt.10.5.1982.
- 2. In view of the above you were to be paid pay and allowance only from 1.3.82 to 21.3.82 for the Month of March, 1982. However, it is seen that you had drawn the full month's salary for a net amount of Rs 1334.95 vide Bill No. 400/SSW-I/81-82 dated 29.3.82 and CV No.1 dated 1-4.1982. This had resulted in an over-payment of Rs 473.20 for the pay and allowance for the period from 22.3.82 to 31.3.82 as intimated in this office letter No.3(13)SSW-I P&T/2491-92 dated 15.7.83, 3172 dated 1.9.83 and 3641/- dated 15.10.1983.

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3. In this office letter No. Cash-I/SSW-I/P&T/367 dated 29.1.84 you were informed that a sum of Rs 542.76/- on account of Productivity Linked Bonus scheme for the year 1981-82 due to you is lying unpaid in this office as per Bill No. 219/SSW-I/82-83 dated 14.10.82 CV No. 14 dated 15.10.1982.

4. Therefore it may be seen that a net amount Rs 69.55 is payable to you in full and final payment of all your dues and recoveries of overpayments.

You are requested to visit this office personally to complete certain formalities before this payment is made and your resignation is finally accepted.

Payment of G.P.F. etc. will be decided after your resignation is formally accepted."

7. In these circumstances, the applicant filed this O.A. praying for the following reliefs:-

- a- That the amount due to the applicant regarding his GPF insurance Productivity linked bonus, earned leave and H.P.L. etc. and salary and other benefit till 17.1.1986 may kindly be ordered to be paid with interest in the interest of justice.
- b- That the cost of this applicant may also be awarded in favour of the applicant.


8. The respondent has filed reply stating that no relief^{is} due to the applicant. The applicant did not come to join his duty inspite of repeated reminders communications and accordingly, the unauthorised period of absence was treated as 'Dies Non'. Subsequently, when the applicant submitted his resignation, the same was accepted finally vide letter dated 17.1.1986 w.e.f. 22.3.82.

9. At this stage of our judgement, the learned counsel for the applicant Sh. P.C. Sharma appears and

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submits that the dues of the applicant have not been paid. It was pointed out, to him that the counter filed by the respondents states that the applicant was at fault as he never come to the office to fillup forms etc. He submits that this is due to his strained relation with the department and that the department intends only to harass him.

10. We are satisfied that the applicant was equally responsible for not being paid his dues. In view of the submission made by the ld.counsel for the applicant, ~~we~~ ^{the} we are of the view that/only direction that can be given to the respondents is to dispense with the formalities and pay all the dues to the applicant by cheque. We dispose of this application with a direction to the respondent to dispense with all formalities of procedure requiring the applicant to present himself to receive the amount.due to him on his resignation w.e.f. 22.3.1982, and, calculate all such dues ~~sub moto~~ ^{to} and remit the same by cheque to his address given in the O.A., within three months. from the date of receipt of this order, alongwith a statement of account of the amounts to remitted. In case such payment is not made, within the time stipulated the respondents shall pay interest at 12% from today, until the dues are paid.


(B.S. Hegde)
Member(J)


(N.V. Krishnan)
Vice Chairman(A)