

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO. 2234/91

DATE OF DECISION: 17.02.1992.

SH. SUBHASH CHANDER

....

APPLICANT

VERSUS

UNION OF INDIA & ORS.

....

RESPONDENTS

CORAM:-

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A)

FOR THE APPLICANT : SH. V.P. GUPTA, COUNSEL

FOR THE RESPONDENTS : SH. P.H. RAMCHANDANI,
SR. COUNSEL

ORAL JUDGEMENT

(delivered by Hon'ble Mr. I.K. Rasgotra, Member(A)).

Heard the learned counsel of both the parties.

The basic issue urged in the original application is that the applicant was sick from 15.1.1990 to 20.1.1990. He had sent an intimation to the respondents through a post card which was acknowledged to have been received on 16.1.1990. A corresponding entry is also said to have been made in the attendance register. Despite this, the respondents vide order 15.3.1990 have treated the applicant as on unauthorised absence from duty for the aforesaid period and ordered that the said period to be treated as Dies Non.

2. The Government instructions 8&9 under Rule 11 of CCS CCA Rules detail the circumstances under which the period of absence can be treated as Dies Non.

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The stand of the respondents, however, is that the applicant was unauthorisely absent from duty without prior permission as even the medical certificate to this effect was issued on 20.1.1990, and therefore, the period from 15.1.1990 to 20.1.1990 has been treated as Dies Non.

3. We have considered the matter carefully and perused the record. In the circumstances of the case, particularly when the applicant produced the medical certificate, and is said to have advised the respondents vide post-card acknowledged by them on 16.1.1990 about his sickness, there does not seem to have been adequate justification for treating the said period as Dies Non.

In fact, the said period of absence should have been *ordinarily* treated as Casual Leave, as adequate C.L. must have been available in January, 1990 to the credit of the applicant. Accordingly, we set aside the order dt.15.3.1990 and order & direct the respondents that the period in question viz 15.1.1990 to 20.1.1990 be treated as Leave Due and if that is not available, as Leave Not Due. The other reliefs claimed in the O.A. are not pressed.

4. O.A. decided as above, with no order as to costs.

Alwyn
(I.K. RASGOTRA)
MEMBER(A)

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(T.S. OBEROI)
MEMBER(J)