

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 2625/93

NEW DELHI THIS THE 17TH DAY OF DECEMBER, 1993.

MR. JUSTICE S.K.DHAON, VICE-CHAIRMAN (J)
MR. B.N.DHOUNDIYAL, MEMBER (A)

1. Shri Prabhakar Jha
son of Shri Chandramohan Jha
C/o Shri L.C.Jha
House No.240, Sector 8
Ramakrishnapuram

2. Shri Bhuvan Chandra Tiwari
son of late Shri S.D.Tiwari
r/o Quarter No.RZ/C/17/11
Mahavir Enclave
Palam, New Delhi.

Applicants

BY ADVOCATE SHRI ANIS SUHRAWARDY.

Vs.

1. Union of India
through its Secretary,
Ministry of Information & Broadcasting
Shastri Bhavan
'A' Wing, New Delhi

2. Director, Publications Division
Patiala House, New Delhi

3. General Manager-cum-Chief Editor
Employment News,
Ramakrishnpuram,
East Block IV
New Delhi-110066.

Respondents

ORDER (ORAL)

JUSTICE S.K.DHAON:

MA No. 3643/93 for permission to join together in one OA is allowed.

2. By separate orders, the contents of which are substantially the same, Shri D.K.Bhardwaj, General Manager-cum-Chief Editor disposed of the representations on 16.11.1993 of the two applicants before us. He rejected both the representations. This OA is directed against the orders passed in the representations.

3. The applicants came to this Tribunal by means of OA No.1480/93 which was disposed of on 24.8.1993 by a Division Bench comprising one of us (Shri B.N.Dhoundiyal). It appears to us that it was brought to the notice of the Tribunal that the applicants were not being given re-engagement

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on the alleged ground of their absence from duty. This Tribunal felt that the interests of justice demanded that the applicants should be allowed to submit their representations explaining the circumstances under which they remained absent from duty. The Tribunal mandated the authority concerned to consider the representations and if satisfied to re-engage them. The further direction was that in case the representations were rejected, speaking orders should be passed.

4. As a consequence of the said directions, the impugned orders have been passed. We have first to find out as to whether the officer concerned has given reasons as directed by this Tribunal. We are satisfied that he has done so. The petitioner, Shri Prabhakar Jha remained absent from duty from 1.6.93 to 1.7.1993. The petitioner, Shri Bhuwan Tiwari absented himself from duty from 18.5.93 to 24.6.1993. The findings of the fact recorded in the impugned orders are that both the applicants absented themselves without making any application for leave and without giving any information to any officer. An attempt has been made to assail these findings, firstly on the ground that the petitioners had personally handed over their applications for leave. This aspect has been considered in the impugned orders and the stand taken by the applicants has been disbelieved and the officer concerned has taken pains to point out that the applicants failed to submit any leave applications as per the procedure prescribed. The second ground of attack is that Shri D.K.Bhardwaj was biased against the applicants and that the orders have been passed mala fide.

5. We have gone through the contents of the OA and we find that there is not even a whisper

of any allegation of bias or mala fide against the said officer. The officer has not been impleaded as one of the respondents personally. The learned counsel has urged that we should summon the record of the earlier OA filed by the applicants to discern the allegations of mala fide from it. This is a normal procedure suggested.

5. In view of the foregoing discussion, this OA has no substance. It is rejected summarily.

B.N.Dhundiyal
(B.N.DHUNDIYAL)

MEMBER(A)

S.K.Dhaon
(S.K.DHAON)
VICE-CHAIRMAN(J)

SNS