

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 23rd DAY OF MAY, 2002

Original Application No.758 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

1. All India Central Govt. health Scheme(C.G.H.S) Employees Association Branch Allahabad through its President Sri pradeep Kumar Dutta.
2. Sri pradip Kumar Datta, President All India Central Government Health Scheme(C.G.H.S) Employees Association Allahabad Branch, Allahabad, Pharmacist in Dispensary no.1, CGHS Allahabad.

... Applicants

(By Adv: ShriSaumitra Bingham)

Versus

1. Union of India through the Secretary, Ministry of Health and Family Welfare, new Delhi.
2. Directorate General of Health Services, Nirman Bhawan, New Delhi.
3. Additional Director C.G.H.S Liddle Road, Allahabad.

... Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 19 of A.T.Act 1985 applicants have prayed to quash the order dated 11.7.1997 passed by Directorate General of Central Govt. Health Scheme, New Delhi and also the consequential order dated 22.7.1997 passed by the Additional Director, Central Govt. Health Scheme, Allahabad.

The facts giving rise to this application are that employees of All India C.G.H.S Association went on indefinite strike w.e.f. 4.6.1997 to 9.6.1997. Thereafter the strike was called off. The respondents issued a show

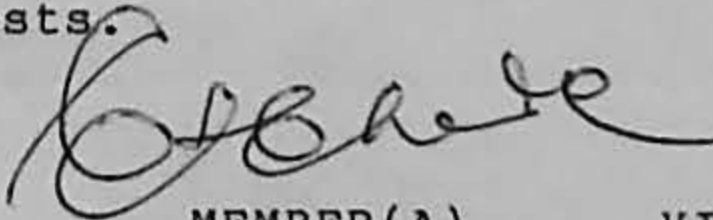
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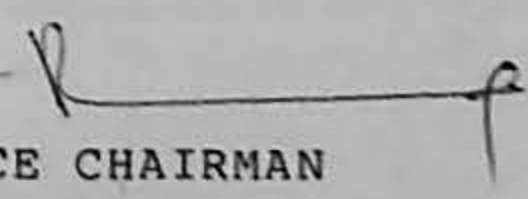
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cause notice on 11.7.1997 to all the striking employees as to why their period of strike be not treated as diesnon under Fundamental Rule 17-A(ii). This show cause notice was not replied by the applicant's association. ~~No~~ explanation was submitted as to why the action proposed was not justified. Thereafter the order was passed on 22.7.1997 by a local ^{union} ~~union~~ for deducting the salary for the period of 4.6.97 to 9.6.97 from the salary of July 1997 which has also been challenged.

learned counsel for the applicant has submitted that a compromise was entered into with the then Minister of State, Health and Family Welfare, Govt. of India and he had assured that no action will be taken. For this fact he has placed reliance in the letter dated 9.7.1997 written by Hon'ble Minister and addressed to General Secretary All India C.G.H.S Employees Association.

We have gone through the entire letter. However , nowhere it states that any compromise was arrived at after discussion between the employees and the government as suggested by the learned counsel. It is not disputed, as a fact, that applicants have not worked from 4.6.1997 to 9.6.1997. In the absence of any justifiable reason, the action taken by the respondents is justified. More so when there was no explanation given on behalf of the respondents. In the circumstances, we do not find any merit in this OA, the OA is accordingly dismissed. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 23.5.2002

Uv/