

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

(THIS THE 1st DAY OF July 2009)

PRESENT

HON'BLE Mr. Justice A. K. Yog, MEMBER (J)

HON'BLE Mrs. Manjulika Gautam, MEMBER (A)

ORIGINAL APPLICATION No. 1537 OF 2001.
(Under Section 19, Administrative Tribunal Act, 1985)

SHIV SHANKER SHUKLA a/a 50 years
Son of Sri D.N. Shukla, Presently
Posted as Complaint Inspector, Post
Offices, Ghazipur, Resident of
145-C/1 Chandpur Salori, Allahabad.

.....Applicant.

By Advocate: Sri M.K. Upadhyay

Versus

1. Union of India through Secretary,
Ministry of Defence (Deptt. of
Post Offices, New Delhi.
2. The Member (P) Postal Services Board
Dal Bhawan, New Delhi.
3. The Post Master General, Gorakhpur
Region, Gorakhpur
4. The Supdt. Post Offices Basti Division
Basti
5. The Senior Supdt. of Post Offices, Deoria
Division, Deoria.

..... Respondents.

By Advocate: Shri Saurabh Srivastava

ORDER

(Delivered By: Hon'ble Mrs. Manjulika Gautam, Member-A)

The applicant was posted as Inspector Post Office Basti during
the period 17.3.1988 to 21.6.1993. He has filed this OA to

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claim payment of various TA Bills submitted by him during this period and also salary from 23.6.1993 to 1.7.1993. The applicant submitted detailed representation dated 11.01.1995 Annexure A-4 to Compilation-1. On receiving no response he sent reminders dated 4.3.96 and 5.3.97. A few of his claims were cleared by the respondents so he sent a fresh representation dated 8.2.01 Annexure A-5 to Compilation-2. Getting no response he filed OA 680 of 2001 seeking the relief of direction to the respondent to decide his representation-dated 8.2.2001 vide order-dated 6.6.2001.

2. This Hon'ble Tribunal directed the Respondents to decide the representation dated 8.2.2001 within 4 months and if any amount is found due, to pay the Applicant within 2 months thereafter, failing which the petitioner will be entitled to interest at the rate of 12% per annum.

3. In compliance of the above, order of the Tribunal respondents issued order dated 4.9.2001 as well as a corrected order dated 21.1.2001 Annexure A-1 to Compilation- 1. Another order-dated 5.1.2001 was sent to the applicant, which purported to decide his representation dated 8.2.2001 Annexure

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A-2 to Compilation-2. The Applicant has filed this OA claiming the following relief:-

1. *to quash the order dated 4.9.2001 as corrected vide order dated 21.11.2001 (Annexure -A1 to Comp 'I') passed by respondent no. 5*
2. *to quash the order dated 5.10.2001 passed by respondent no. 3 in so far as the order contained in Para 3 (1), (6 to 9), (10 to 16), (17), (18), (20) and (22) of the application.*
3. *to issue a mandamus directing the respondents to pay the dues/amount as claimed by the applicant and mentioned in the order dated 5.10.2001 (Annexure-A2 to Comp 'I') in Para 2 at Item (1), (6 to 9), (10 to 16), (17), (18), (20), and (22) alongwith interest at the rate of 12% as already directed by this Hon'ble Tribunal vide its order dated 6th June 2001*
4. *to issue any other suitable direction as this Hon. Tribunal may deem fit and proper in the circumstances of the case.*

4. Having heard both parties and perused the record on file it is clear that in compliance of order of this Tribunal dated 6.6.2001 orders have been passed by the respondents on 4.9.2001 at Annexure A-1/Compilation-1 which state that the applicant absented himself from his duties from 5.5.99 to 25.2.2000. During this period the applicant did not leave any application or any medical leave certificate, therefore this period of unauthorized absence from his duties with effect from 5.5.99 to 25.2.2000 is treated as DIES-NON Annexure A-



9/Compilation-2 is letter from the applicant to Superintendent Post Offices Balia dated 15.5.99 with states that the applicant had to join his new place of posting at Balia on 17.5.99 but he fell ill and could not join. In Para 3 of the same letter the applicant states that "the medical certificate of my fitness for the period of illness and fitness certificate will be obtained from the authorized and treating doctors and will be submitted on my fitness". Remaining absent from 5.5.99 to 25.2.2000 the applicant joined duty at Deoria on 7.3.2000 after availing 10 days transit period from 26.2.2000 to 6.3.2000. No record has been produced by the applicant regarding medical certificate during the period of his absence, neither has he produced any fitness certificate.

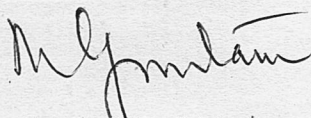
5. In view of the same the Competent Authority has rightly declared the period of absence from duty as DIES-NON. Regarding the payment due to him on various accounts the Competent Authority has passed extremely detailed orders dated 5.10.2001 placed at Annexure A-2 Compilation-1. Each and every claim has been dealt with and disposed of, giving cogent reasons for making or not making the payment. It is not for this Tribunal to go into the merit of the financial matters,

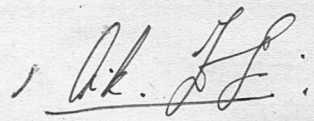


being claimed by the applicant. What is clear is that the Competent Authority after due application of mind has examined each claim in detail and has passed reasoned speaking order.

6. If the Applicant still has some grievances he may represent again to the Competent Authority regarding the same. The impugned orders do not require any judicial intervention. The OA is accordingly dismissed, with liberty to take up grievance if any with the Competent Authority.

7. No Costs.


MEMBER (A)


MEMBER (J)

/S.Verma/-