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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 439 of 1988

Allahabad this the 17th day of November 1995

Hon'ble Mr. Justice B.C. Saxena, Vice Chairman
Hon'ble Mr. D.S. Baweja, Member (Administrative)

Jai Nath Tiwari S/o Deo Raj Tiwari, Telegraphist,
Departmental Telegraph Office, Ballia.

APPLICANT

C/A Shri A.K. Shukla

Versus

1. Department of Telecommunication, Tele-communication Board, New Delhi through its Chairman.
2. General Manager, Tele communication, Lucknow U.P.
3. Director, Telecommunication (East), Varanasi
4. S.S.T.T., Varanasi (Telegraph Traffic)
5. A.S.T.T., Incharge (D.T.O. Ballia)

RESPONDENTS.

C/R Shri N.B. Singh.

O R D E R (Oral)

By Hon'ble Mr. Justice B.C. Saxena, V.C.

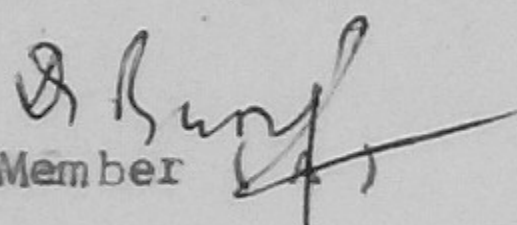
This is a 1988 petition. Learned counsel


for the applicant has sent his illness slip. We, therefore, proceeded to hear the learned counsel for the respondents. We have gone through the pleadings available on record.

2. The applicant through this O.A. challenges an order contained in Annexure-7 passed by Member(Per) Telecom Board by which applicant was informed that said authority did not find any justification to interfere with the decision to treat the period from 24.3.75 to 26.3.75 as dies non. The applicant alleges that he had given an application for grant of casual leave for the period 24.3.75 to 26.3.75. It is alleged that opposite party no.5 had accepted the application and assured that the order shall be passed later on. Through the order dated 25.4.75 (Annexure-2) passed by T.T.S. Incharge D.T.O., Ballia on 10.4.75, the applicant was informed that his application for casual leave from 24.3.75 to 26.3.75 was regretted and the applicant had been informed accordingly at the time he submitted the application. The said order further indicates that when the applicant was asked to note down, he declined to do so and wilfully remained absent from 24.3.75 to 26.3.75 and accordingly the said period was treated as dies-non. Payment for the rest of the period i.e. 27.3.75 to 31.3.75 have already been paid through the supplementary bill, to the applicant. The applicant raised a disputed fact which cannot be gone into on the basis of the pleadings available on record.

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3. The applicant preferred an appeal which was rejected by an order dated 19.3.77 by the G.M.T., U.P. Circle, Lucknow. Thereafter, the applicant filed a petition against the Appellate Order to the Chairman, P. & T. Board. On this application, the order contained in Annexure-7, has been passed. It is well settled law that leave cannot be claimed as a matter of right. The applicant had applied for casual leave and the same had been refused by the respondents. The order for dies non is also not illegal since, admittedly the applicant had not worked on the said dates and his application for casual leave had been rejected. In view of the above, the O.A. lacks merit and is accordingly dismissed. The parties shall bear their own costs.


Member


Vice Chairman

/M.M./