

8

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 512 of 1993

Smt. Pan Kunwar Mishra Applicant.

Versus

Union of India & Ors. Respondents.

Hon'ble Mr. Maharaj Din, Member-J

Hon'ble Mr. S. Dayal, Member-A

(By Hon'ble Mr. Maharaj Din, J.M.)

The applicant has moved this application under Section 19 of the Administrative Tribunal's Act seeking the relief to quash the order dated 23.3.1993 for deduction/recovery of the salary of 26 days, details of which are given in the order dated 3.2.1993 passed by respondent No. 3 (Annexure-4). It has been further prayed that the respondents be directed to make payment of the arrears of salary, the amount already deducted from the salary of the applicant and further direction be given to the respondents to give the clear account of leave and not to make deductions from the salary in future.

2. The applicant was appointed as Ward Sahayak on 2.1.1973 in Military Hospital, Varanasi Cantt, Varanasi. The applicant applied for leave on different dates in the year 1986, 1987 & 1988 and it is alleged that the respondents neither rejected the application of the applicant nor sanctioned the leave. Now, they have started making deduction

Amr

9

::2::

of the salary of the applicant for the period during which she remained absent. Therefore, the applicant has approached this Tribunal seeking the relief mentioned as above.

3. The respondents filed Counter Reply and resisted the claim of the applicant inter alia on the ground that the applicant remained absent without making any application or sanction of the leave, therefore, she is not entitled to get salary for the period during which she remained absent from duty.

4. We have heard the learned counsel for the parties.

5. It is not disputed that the applicant was absent from duty but she has asserted that she moved applications applying for ^{Sanction of 2} the leave for her absence. The respondents in their Counter Affidavit have denied that no application ^{was} ~~has~~ received from the applicant praying for grant of the leave. The respondents sent show-cause notices and warning letter (Annexure CA-1 to CA-5) by Registered Post and according to them, the same were not replied by the applicant. The matter of absence of the applicant relates to the period from 31.8.1985 to 24.11.1985. It is surprising to ^{note} know that why the respondent did not take any action about deduction of the salary for the period of absence and then started recovery in the year, 1993. The Audit report

AD

30
::3::

was submitted on 3.2.1993 (Annexure A-4) and it seems that when there was no scope to ignore the absence of the applicant, the recovery proceedings were started. The applicant has however, submitted representations dated 1.12.1991 (Annexure^A-1) and 12.2.1992 (Annexure A-3) but the same were not replied. During the course of argument, learned counsel for the applicant has urged that direction may be issued to the respondents to dispose of her representations. So, considering the facts and circumstances of the case, we dispose of this application with a direction to the respondents to dispose of the representations dated 1.12.1991 & 12.2.1992 (Annexure A-1 & A-3) by reasoned and speaking order ² and as per extent rules within a period of 4 months from the date of communication of the order. In the meantime, no deduction be made from the salary of the applicant.


Member-A


Member-J

Allahabad Dated: Aug 29, 1994

/jw/