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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1736/1994

TUESDAY, THIS THE 16TH DAY OF APRIL, 2002

HON'BLE Mr. C.S. CHADHA .. MEMBER (A)

HON'BLE Mr. A.K. BHATNAGAR .. MEMBER (J)

Om Pal Singh,
Aged about 53 years,
S/o Shri Raj Pal Singh,
R/o Quarter No.8-Postal Colony,
Civil Lines, Moradabad. .. Applicant

(By Advocate Shri Anupam Shukla)

Versus

1. Union of India, through
its Secretary,
Department of Posts, Dak Bhavan,
New Delhi.
2. The Member (P), Postal Board,
Dak Bhavan, New Delhi.
3. The Director Postal Services,
Bareilly Region,
Bareilly.
4. The Superintendent of Post Offices,
Moradabad. ... Respondents

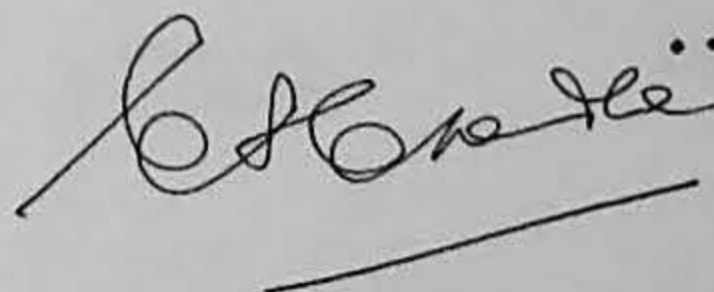
(By Advocate Kum. S. Srivastava)

ORDER

Hon'ble Mr. C.S. Chadha, Member (A):

The case of the applicant is that he took Casual leave on 6 and 7th September, 1993 which was duly sanctioned. On 8th September, 1993, he did not perform his duties and submitted perhaps a belated application for Casual leave ~~on 8th September, 1993~~ ^{on 11th September, 1993} which is at Annexure-1A. The leave sanctioning authority

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vide his order dated 9-9-1993, rejected the casual leave application on the ground that the applicant was making a false excuse of being unwell when he was actually seen in office on that day. As a result of the refusal of the casual leave, he was treated to be on dies-non for 8-9-1993. The relief sought is that this order should be quashed. He had applied for casual leave on that day. The Respondent No.4's presumption that he was not sick is not based on any authentic evidence, but, only as a personal presumption.

2. We have heard the learned counsel for the respondent who has drawn our attention to the provision of the manual which states that the casual leave application should be presented before the beginning of the day so that alternative arrangements can be made in lieu of the person going on leave. There would have been a case for the respondents had there been any doubt that the application was not presented on 8-9-1993 itself, but later. However, we find that in the order dated 9-9-1993, it has been admitted that the applicant applied for casual leave on 8-9-1993 itself. The same was refused on the personal judgment of the leave sanctioning authority that the applicant was making a false excuse of being unwell.

3. We are constrained to observe that casual leave can be applied for on any personal grounds. It is not necessary that the plea of being unwell should be

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supported by a medical certificate. In any case, there seems to be no evidence which can prove that the applicant was indeed trying to feign illness. From the perusal of the record, it appears that the respondents took an adverse view of the applicant's absence because he was trying to instigate a strike. We find that the order of treating 8-9-1993 as dies-non is rather harsh. ^{be} Since the casual leave had been applied for, ^{be} the same should have been granted, if due.

4. In the circumstances above, we allow the O.A. and the order dated 9-9-1993 and later upheld by the Director, Postal Services, treating the applicant to be a dies non on 8-9-1993, is quashed.

5. No order as to costs.


MEMBER (J)


MEMBER (A)

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