

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

...

Original Application No. 1355 of 1999

this the 29th day of May 2002.

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

K.D. Sah, S/o late Sri D. Lal Sah, Deputy Labour Welfare
Commissioner (Central) COD, Chheoki, Allahabad.

Applicant.

By Advocate : Sri S.C. Mandhyan.

* Versus.

1. Union of India through Secretary, Ministry of Defence, (Production) New Delhi.
2. Union of India through Secretary, Ministry of Labour, Govt. of India, New Delhi.
3. Director General, Ordnance Factory Board 10.A Shaheed khudiram Bose Road, Calcutta.
4. General Manager, Ordnance Clothing Factory, Shahjahanpur.
5. Sri J.S. Rastogi (IOFS) DDG, OEF Headquarters, G.T. Road, Kanpur.

Respondents.

By Advocate : Sri A. Mohiley.

ORDER (ORAL)

Vide this O.A., the applicant has claimed two reliefs namely that the order dated 28.8.98 by which he was treated to be un-authorised absence on 26.6.98 may be quashed, and secondly that recovery of LTC amount ordered vide Annexure -3A dated 28.10.98 may also be quashed. Due to preliminary objection of the learned counsel for the respondents that multiple reliefs cannot be claimed in one O.A., the learned counsel for the applicant withdraws his second relief claimed by him and desires to press ^{only} the claim regarding

6/6/02

treatment of 26.6.98.

2. The brief facts of the case are that the applicant was sanctioned leave from 18.6.98 to 22.6.98, but he reported late on duty and submitted a medical certificate for his absence from 23.6.98 to 25.6.98. According to the respondents, the applicant reported on duty on 26.6.98 at 2.40 P.M., but claimed that he had joined in the forenoon. Initially the respondents were averse to granting any further leave because the medical certificate produced by the applicant was of a private practitioner. However vide Annexure-1 dated 28.8.98, the respondents were kind enough to grant leave from 23.6.98 to 25.6.98, but because the applicant could not explain why he made a false claim for joining in the forenoon, his pay for that day was not permitted. A show-cause notice was issued to the applicant why he made a false claim. The applicant did not submit any reply to the aforesaid show-cause notice. The learned counsel for the applicant states that before proceeding on leave, since he had worked in the afternoon of that date, he should be treated as on duty on 26.6.98 (F.N.). I am afraid this argument is quite ridiculous and cannot be accepted. The respondents were kind enough to grant him leave for three days, which they could have refused. The learned counsel for the applicant has also argued that the applicant has also been granted another punishment by way of censure. According to Annexure-2, he has merely been warned for the same, and further the deduction of one day salary is also not a punishment. Since the concerned authority has not mentioned as to how the absence of 26.6.98 will be treated, I direct the respondents to treat 26.6.98 as dies-non and no pay for that day shall be granted.

B. S. Gopal

3. The O.A. stands disposed of as above without any order as to costs.



MEMBER (A)

GIRISH/-