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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO: 360 OF 1991

Date of decision : 27.9.1993

Kirtan Harijan

... Applicant (s)

Versus


Union of India & Others

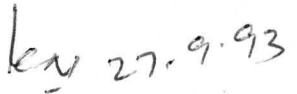
... Respondents



(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? No

  
MEMBER (ADMINISTRATIVE)  
27 SEP 93

  
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No 360 of 1991

Date of Decision: 27.9.1993

Kirtan Harijan

Applicants

Versus

Union of India & Others

Respondents

For the applicant

M/s.Devanand Misra  
Deepak Mishra  
R.N.Naik,A.Deo  
B.S.Tripathy,  
P.Panda,  
Advocates

For the respondents

Mr.Aswini Kumar Mishra  
Standing Counsel  
(Central)

C O R A M:

THE HONOURABLE MR. K.P. ACHARYA, VICE - CHAIRMAN

AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order of punishment passed against him for his unauthorised absence.

2. Shortly stated the case of the petitioner is that while he was working as Extra Departmental Stamp Vender in Kesinga Sub-Post Office, vide Annexure-1 dated 5.3.1990 the petitioner has been removed from service on an allegation that the petitioner had unauthorisedly remained absent for more than 180 days. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that the order of punishment passed against the petitioner



is legal and principles of natural justice have been strictly complied with, the order of punishment should not be quashed - rather it should be sustained.

4. We have heard Mr.B.S.Tripathy, learned counsel for the petitioner and Mr.A.K.Mishra, learned Standing Counsel. From the chargesheet it is found that the petitioner, while working as E.D.Stamp Vender in Kesinga availed leave without allowance for 175 days during a particular period and again he availed leave by submitting a leave application <sup>for</sup> <sub>lv</sub> of about 10 days. Therefore, it is held that the petitioner has remained absent for more than 180 days and his services is liable to be terminated.

5. The petitioner is a member of the backward class. It is not expected that the petitioner is aware of the intricacy of the rules in force. The petitioner has made applications, to grant him leave. Had he availed unauthorised leave then we might have taken <sup>in</sup> a stringent view in the matter. Keeping in view all the facts and circumstances stated above, we do hereby quash the order of punishment passed against the petitioner and direct his reinstatement in service within 15 days from the date of receipt of a copy of this judgment. The petitioner shall not be entitled to any backwages. Thus the application is accordingly disposed of. No costs.

*B.K. Sahoo*  
MEMBER (ADMINISTRATIVE)

*K. G. ...*  
27.9.93  
VICE-CHAIRMAN

27.9.1993

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 27.9.1993/B.K.Sahoo

