

IN THE CENTRAL ADMINISTRATIVE TRIBUAL
JODHPUR BENCH, JODHPUR

Date of order : 9.7.1998.

O.A.NO. 154/1998

Jivraj Singh Rajpurohit S/o Sh. Prem Singh Rajpurohit, aged about 42 years, Post Man, Residency Road, Jodhpur, R/o Somani College Road, Rajiv Gandhi Colony, Channra Bhakar, Jodhpur.

..... Applicant.

vs.

1. Union of India through its Secretary, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. The Inspector of Post Offices, South Sub-Division, Jodhpur.
3. The Senior Superintendent of Post Offices, Jodhpur Division, Jodhpur.

.... Respondents.

CORAM :

HONOURABLE MR. A.K.MISRA, JUDICIAL MEMBER

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

Mr. P.R. Choudhary, Advocate, appears for the Applicant.

ORDER

PER MR. A.K.MISRA :

Heard the learned counsel for the applicant and gone through the petition.

2. The applicant who is a Postman in the Residency Post Office, has filed this O.A. with the prayer that the

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respondents be directed to regularise the period of absence from 7.11.1997 to 16.11.1997 due to illness of the applicant by grant of commuted leave on medical grounds.

3. It appears to us that the applicant remained absent from 7.11.1997 to 16.11.1997 and reported on duty on 17.11.1997 and submitted application alongwith medical certificate. The concerned authority came to the conclusion that applicant absented from duty without prior intimation and permission. The period of absence from duty was therefore treated by the authority vide Annex.A/1 dated 9.12.1997 as "dies non".

4. The learned counsel for the applicant has submitted that applicant had number of E.L. and H.P.L. at his credit and the authorities should have treated the same as per the medical certificate as H.P.L. on medical ground. We have considered the argument. In our opinion regulating discipline and inculcating sense of duty in the subordinate staff is the exclusive right and duty of the superior authority. "Dies non" does not result into break in service neither the same affects the service career of a Government servant adversely. It only results into deduction of pay for the absence period. This is for the leave sanctioning authority to regulate the period of absence from duty as per rules and if the concerned leave sanctioning authority has treated the period of absence from duty as "dies non" this Tribunal would not substitute its own wisdom to that of leave sanctioning authority. In our opinion we do not find any substance in the O.A. The O.A. is therefore dismissed in limine.

Gopal Singh
(GOPAL SINGH)
Administrative Member

A.K.Misra
(A.K.MISRA)
Judicial Member

Copy Received

Grammer

16/7/98

Copy of order along with
OP petition & minute
sent to P/T to P/3

by Regd AD
ref no 273 to 275
with 16-7-98

att
16/7/98

P.A P/1 & P/3
attached in third
set 1/1
30/7/98

Part II and III destroyed
in my presence on 29/3/2006
under the supervision of
Section Officer (Recd) as per
order dated 28/2/2006

Section Officer (Recd)

filed
from 16/7/98