

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.604/97

Wednesday, this the 30th day of April, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

CR Jayakumar,  
Postman, Anchal, residing at  
Jayavilasom, Panayamcherry,  
Anchal, Kottam District. - Applicant

By Advocate Mr N Nandakumara Menon

Vs

1. Union of India represented by  
the Secretary,  
Department of Posts,  
Ministry of Communication,  
New Delhi.
2. Superintendent of Post Offices,  
Pathanamthitta Division,  
Pathanamthitta District.
3. The Post Master,  
Punalur Head Post Office,  
Punalur. - Respondents

By Advocate Mr S Radhakrishnan, ACGSC

The application having been heard on 30.4.97 the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant, a Postman applied for leave on medical  
ground for 30 days with effect from 11.1.97. This leave  
application was rejected by the Sub Post Master by order at  
A-1 dated 13.1.97 on the ground that there was acute shortage

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of Postman. The applicant, according to him, was admitted in a private hospital for treatment for jaundice and therefore could not report for duty even on receipt of a telegram issued by the second respondent on 18.1.97 directing to report for duty as there was shortage of Postmen. While so the applicant was transferred by order dated 18.1.97 as Postman, Punalur with effect from 18.1.97. The applicant filed O.A.165/97 aggrieved by the above transfer. However, this application was rejected. According to applicant, he is still unwell and is not in a position to resume his duties. In the meanwhile, A-3 show cause notice was issued to the applicant proposing to treat the period from 11.1.97 as dies-non, giving him seven days time to submit his explanation against the proposed action. The applicant gave his explanation at A-4 on 30.1.97. No decision on this has yet been taken. However, the applicant is aggrieved that the second respondent has directed the third respondent not to draw the salary of the applicant from 11.1.97 until further orders. The applicant has therefore filed this application seeking to have the A-3 order quashed, for a direction to the respondents to disburse the pay and allowances due to him and also for a direction to the respondents to pass final orders on A-3 notice after hearing the applicant within a time limit. The applicant has also prayed that the respondents may be directed to pass fresh orders on the leave application submitted by the applicant.

2. When the application came up for hearing, learned counsel for applicant states that the applicant rejoined duty today on production of certificate of fitness. What remains in this application is taking a decision on A-3 show cause notice and disbursement of pay and allowances. The first leave application submitted by the applicant was rejected on the ground that there was a shortage of Postman. Even if there is a problem of acute shortage of Postman, if applicant was really sick and was not in a position to perform the duties, the rejection of leave application on the ground of acute shortage of Postman may not be proper. However, the counsel for the respondents agreed that the entire issue including the rejection of leave applied by the applicant shall be reconsidered by the second respondent, that the application may now be disposed of with appropriate direction to competent authority to take decision on the matters within a short time and directing that pay and allowances of the applicant from today (the date of joining duty) onwards be disbursed and that the claim for pay and allowances for the intervening period would abide by the decision that would be taken by the competent authority.

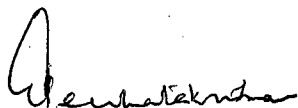
3. In the light of the above submission by the learned counsel for respondents at the Bar, the application is disposed of with a direction to second respondent to pass a speaking order on A-3 in the light of the explanation

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given by the applicant after giving him a personal hearing. The second respondent shall also take fresh decision on the leave application of applicant giving the applicant an opportunity to substantiate his case that he was unwell during the relevant period. The respondents shall disburse to the applicant the pay add allowances from this date( date of rejoining) and pass appropriate orders regarding the pay and allowances for the period between 11.1.97 till this date(date of rejoining) in accordance with the decision that would be taken by the second respondent on his leave application. The second respondent shall pass an order on the show cause notice(A-3) and also on the leave application and communicate the same to him within six weeks from the date of receipt of a copy of this order. No costs.

Dated, the 30th April, 1997.

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
AV HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A-1: True copy of letter dated 13-1-97 and numbered as No.I/II issued by the Sub Post Master, Anchal.
2. Annexure A-3: True copy of order No.82/Anchal dated 24-1-97 issued by the Superintendent of Post Office, Pathanamthitta to the applicant.
3. Annexure A-4: True copy of explanation submitted by the applicant to the 2nd respondent dated 30-1-97.

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