

1071  
CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

....

T.A. No.836 of 1986  
( O.S. 391 of 1984 )

S.M. Abidi ... .. Applicant.

Versus

The General Manager, Telecommunication,  
Lucknow and others ... .. Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was initially appointed as Clerk in the Post and Telegraph Department, U.P. Circle Lucknow in the year 1950 and after certain intervening promotions, he was selected for the post of Assistant Telegraph Master and after completion of the prescribed training, he was ordered to report for duty at Telegraph Office, Lucknow. Thereafter, the applicant was transferred from Lucknow to Sitapur but the Transfer order was modified vide order dated 6.1.1981 and he was relieved from the strength of Departmental Telegraph Office Lucknow on 6.1.1981 and was directed to report at Sitapur but the applicant did not join duty at Sitapur and availed Earned Leave for 4 days, i.e. from 7.1.1981 to 10.1.1981 and thereafter he remained on unauthorised absence from duty and the period from 11.1.1981 to 3.2.1981 was treated as 'Dias Non' by the competent authority. Feeling aggrieved against this order, the applicant filed a civil suit before the court of Munsif South Lucknow praying that a decree for declaration may be granted against the defendants declaring that the orders dated 27.2.1981

and 25.3.1982 is null and void and is ineffective .  
Where there is a break in services of the plaintiff  
the plaintiff be declared in service throughout.

2. The respondents have opposed the application  
of the applicant CO and have stated in their written  
statement that the applicant did not attend the  
office and he remained unauthorised absence and that  
is why, the period was treated as 'Dies Non' . There  
was no question of his attending office at Lucknow  
because he has already been transferred from Lucknow  
to Sitapur.

3. According to the applicant he was not absent  
from duty unauthorisedly and he was not offered any  
opportunity before treating this period as 'Dies Non'.  
As a matter of fact, when the applicant had already  
been transferred from Lucknow to Sitapur and the  
transfer order subsisted , obviously, he could not  
have been allowed to work at Lucknow and even if ,  
he did not report for his duty, the period of his  
unauthorised absence from duty, will <sup>be</sup> treat <sup>ed</sup> ~~the~~ <sup>as</sup> the  
period as 'Dies Non' and further the contention of  
the applicant that no opportunity of hearing was  
given to the applicant was not correct.

4. Accordingly, the respondents are within their  
rights to treat <sup>the</sup> ~~the~~ period of unauthorised absence of the  
applicant from duty as 'Dies Non'. The application is  
dismissed with the above observations .No order  
as to costs.

  
Member (A)

  
Vice-Chairman

Dated: 17.9.1992