

AB

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

T.A. No. 37/92  
(O.A.No. 40/89)

Krishna Kumar Dwivedi

Applicant

versus

Union of India & others

Respondents.

(2) T.A. No. 149/92  
(O.A. No. 22 of 1989)  
Indra Deo Tripathi

versus

Union of India

Shri I.D. Singh and  
Shri R.V. Tewari

Counsel for Applicants.

Shri K. C. Sinha

Counsel for Respondents.

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Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. K.Obayya, Adm. Member.

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

As the common question of law and fact is involved being in both the above cases, both are/decided together. The applicants were employees of post office at Faizabad. A circular was issued on 10.7.87 by the Director, Savings Bank Organisation Department of Post Offices, Dak Bhawan, New Delhi addressed to all the SSPOs/SPOs and others in U.P. Circle with ~~the~~ regard to the maintenance of the SBCO procedure & in the case of any irregularity the employee the action can be taken by the Accounts Officer ICO(SB). The duties of the U.D.C. were specified and they were required to maintain register etc. Employees were to follow the circular. In view of the allotted works and verification of the Ledger balances could not be properly done without going through the other ~~rx~~ works which also related to other seats which caused great

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difficulty and took much time. All of a sudden and without giving notice the respondents converted the working period from 17.7.87 to 31.7.87 i.e. 15 days as die non vide order dated 17.8.87. The applicant filed appeal against the said order which was dismissed, whereafter, he approached the higher authorities and stated that the target could not have been fixed and it was not a misconduct and no action whatsoever could have been taken against the applicant.

2. Similar matter came up for consideration of the same organisation before us in the case of Surendra Nath Mishra vs. Director Postal Services Lucknow and another (O.A. No. 20 of 1989) decided on 3.8.92 and we held that a ~~judgment~~<sup>duty</sup> was cast upon each employee to complete his work but they were avoiding the working as they adopted the practice of doing little work. Obviously, there was refusal to do work by them. Although in writing they did not do so but practically they performed very little work and did not cooperate with the administration by performing their duties. As such the period was ordered to be converted into dies-non but without any break in service and the same was done after giving opportunity. Accordingly, the application was dismissed. These two applications are accordingly dismissed with no order as to costs.

*[Handwritten Signature]*  
Adm. Member.

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Vice Chairman

Lucknow: Dated 27.8.92

Shakeel/