

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Tr. Application No. 498/86

Shri Shaligram Ramkrishna Landge,
Khamgaon,
Tq. Khamgaon,
Dist. Buldhana.

.. Applicant

vs.

1. Union of India, through
Secretary,
Ministry of Communication,
Parliament St.,
New Delhi.

2. Shri D.K. Kukade,
Divisional Engineer,
Telegraphs,
Akola.

3. The General Manager,
Telecommunications,
Maharashtra Circle,
G.P.O. Building,
Bombay.

4. The Sub-Divisional Officer,
Telephones,
Tq. Khamgaon,
Dist. Buldhana.

.. Respondents

Coram: Hon'ble Member(A) Shri P. Srinivasan
Hon'ble Member(J) Shri M.B. Mujumdar

ORAL JUDGMENT

Date: 27-1-1988

(Per Shri P. Srinivasan, Member(A))

The applicant who was working as a
lineman in Telephone Exchange, Tq. Khamgaon, Dist.
Buldana was charged with failure to attend to
duty for 4 hours on 29-3-1983 and thereby failing
in carrying out his duties. The applicant submitted
a reply and sought for an inquiry. Since the notice
was issued under Rule 16 of the CCS(CCA) Rules the
Disciplinary Authority declined to hold a regular
inquiry and passed an order of punishment
withholding one increment for a period of
two years. By a separate order dt. 18-8-1983
the Deputy Divisional Engineer, Telegraphs, Akola



...2/-

intimated the applicant that his absence from duty would be treated as dies-non with break in service. The applicant has challenged the decision of the Disciplinary Authority not to hold an inquiry as also the penalty levied on a number of grounds. However, at the time of hearing Shri Phanse, learned Counsel for the applicant pleaded that the authorities were not justified in imposing one penalty of stoppage of increment and a second penalty of treating the absence as dies-non with break in service.

2. Shri S.R.Atre, learned Counsel for the Respondents strongly opposed the contentions of Shri Phanse and explained that under the instructions issued by the Department of Telecommunication when persons act in concert in remaining absent, the period of absence was to be treated as dies non with break in service. The penalty of stoppage of increment also justified in the circumstances of the case.

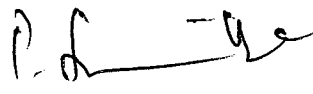
3. At this point the applicant who was present in Court gave a note in writing tendering his apology for his absence on 29-3-1983 with an assurance that this kind of incident will not happen again.

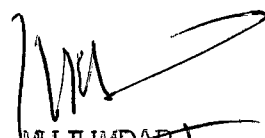
4. Having heard rival counsel and considered the note submitted by the applicant, we feel that it would meet the ends of justice if the order dtd. 18-8-1983 treating the applicant's absence on 29-3-1983 as dies non with break in service be modified by deleting the words "with

P. R. V.

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break in service". The penalty of stoppage of increment will however, remain undisturbed. In the result, we modify the order of the Divisional Engineer, Telecommunication, Akola dtd. 18-8-1983 deleting the words "with break in service". The applicant's absence from duty on 29-3-1983 will be treated dies non but without break in service. It will not be treated as break in service, but he will not be paid salary for that day. The penalty of stoppage of increment will however, remain. The application is allowed in part. Parties to bear their own costs.


(P. SRINIVASAN)
MEMBER (A)


(M. B. MUJUMDAR)
MEMBER (J)