

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, CAMP AT AURANGABAD.

ORIGINAL APPLICATION NO.310/2001.

Wednesday, this the 5th day of December, 2001.

Hon'ble Shri S.R.Adige, Vice-Chairman (A),  
Hon'ble Shri S.L.Jain, Member (J).

Surendra Dajiba Lokhande,  
Akkalkuwa, Tal. Akkalkuwa,  
Dist. Dhule.

...Applicant.

V.

1. The Govt. of India through  
the Secretary,  
HRD Ministry Shastri Bhavan,  
New Delhi.
  2. The Director,  
Navodaya Vidyalaya Samiti,  
A-39, Kailash Colony,  
New Delhi - 48.
  3. The Deputy Director,  
Navodaya Vidyalaya Samiti,  
78, Mayur Colony Kothrud,  
Pune - 29.
  4. The Principal,  
Jawahar Navodaya Vidyalaya Akkalkuwa,  
Dist. Dhule.
- (By Advocate Smt.H.P.Shah for R-1 and  
Shri V.S.Masurkar for R-2 to 4).

...Respondents.

: O R D E R (ORAL) :

By S.R.Adige, Vice-Chairman (A).

Applicant impugns Respondents orders dt. 19.5.2000  
(Annexure - A-1) and seeks a direction to Respondents to release  
his salary for the period of 11 (eleven) days from 2.5.2000 to  
12.5.2000.

2. This case had come up on 3.12.2001 on which date  
applicant's counsel Shri S.D.Joshi had appeared. He was informed  
that the case would come up today and no further adjournment

...2.

would be granted, but neither has Shri Joshi appeared nor the applicant himself. Shri V.S.Masurkar and Smt.H.P.Shah have appeared for Respondents.

3. As there is none on behalf of the applicant, we are disposing of this OA after hearing the Respondents counsel.

4. Respondents had issued circular dt. 10.4.2000 (Exhibit - R-4), informing all concerned that an Orientation Course<sup>2</sup> for TGTs in certain subjects had been organised, and applicant had been selected to attend the aforesaid Orientation Courses from 3.5.2000 to 17.5.2000. The Circular made it clear that participation in the Orientation Courses was absolutely necessary and under no circumstances would the deputed teachers be allowed to remain absent from the same. If a deputed teacher did remain absent from the courses, the period of absence would be treated as dies non.

5. In the OA, applicant's main defence for not participating in the aforesaid Orientation Programme is that he was to have started for his Home Town Nagpur for the Summer Vacation, and therefore, could not participate in the aforesaid Orientation Programme.


6. Manifestly, applicant's aforesaid defence for not participating in the aforementioned Orientation Programme has to be rejected, because we cannot allow his personal interest to supervene over the public interest. There can be no manner of doubt that the aforesaid training programme was in public interest.


7. We also note that pursuant to the impugned order, the period of dies non will not be treated as a <sup>break in</sup> service, and

therefore, will have no bearing on applicant's seniority and other benefits, but he will only be dis-entitled to salary for the aforesaid period.

8. In the light of the express stipulation contained in Respondents Circular dt. 10.4.2000 that failure to participate in the Orientation Programme would result in the period of absence being treated as dies non, the OA warrants no interference and is therefore, dismissed. No costs.

9. Later, after the above order had been dictated in Open Court applicant's counsel Shri S.D.Joshi appeared.

  
(S.L.JAIN)  
MEMBER (J)

  
(S.R.ADIGE)  
VICE - CHAIRMAN (A)

B.