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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

O.A.No.19 of 1989

Tung Nath TewariApplicant.

Versus

Director Postal Services Lucknow & another

.....Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

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

The applicant was U.D.C. in the Office of Saving Bank Control Organisation, Faizabad. When inspite of repeated instructions, the SBCO Staff remained negligent towards their primary duty of ledger agreement, it was decided by the D.G. Department of Posts, New Delhi to launch drives to improve working of S.B. and SBCO at each Head Post Office throughout the country and consequently a drive to bring the work of Saving Bank and Saving Bank Control Organisation upto date was launched from 1.6.87. According to the aforesaid orders, all the U.D.Cs were directed to complete the work of Ledger agreement suspending all other works. It was specially mentioned that officials who would leave the office without completing the work assigned to them would be treated as 'Dies-non'. The contents of these orders were made known to the applicant also. According to the time factor, 52 minutes for ledger agreement of one binder relating to Savings Bank, two hours for binders relating to other types of accounts was allowed to each UDC. Each UDC had to complete the ledger agreement of 8/4 binders daily but the applicant had not completed the work of ledger

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agreement in accordance with the above time factors. According to the report of the Senior Supervisor, SECO Faizabad, the applicant had completed agreement of only 19 binders during the whole month of September, 1987, 9 binders in August, 1987 and 17 binders in July, 1987, which was very low in accordance with the prescribed time factor and that is why taking into consideration the instructions and para 62 of P & T Manual Volume III, the entire period was taken as Dies-non without any break in service. The applicant filed an appeal against the same which was also dismissed.

Para 62 of P & T Manual Volume III reads as follows:-

"Absence of officials from duty without proper permission or when on duty in office, they have left the office without proper permission or while in the office, they refused to perform the duties assigned to them is subversive of discipline. In cases of such absence from work, the leave sanctioning authority may order that the days on which work is not performed be treated as dies-non, i.e. they will neither count as service nor be construed as break in service. This will be without prejudice to any other action that the competent authorities might take against the persons resorting to such practices."

2. In the case of applicant, the period was ordered to be converted into dies-non on the principle of 'No work-No pay' but without any break in service which the applicant has challenged. In the instructions, which were issued by the department, a clear direction was made that the same is to be complied with. As such, it cannot be said that any prejudice was caused to the applicant. A duty was caste 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 co-operate with the administration by ~~not~~ performing their duties.

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As such, the period was ordered to be converted into
but
dias-non/without any break in service and it cannot be
said that the applicant had got no previous opportunity
Accordingly,
in the matter./ We do not find any merit in the
application and it is dismissed. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: AUGUST 3, 1992

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