

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD.

OA.1346/95.

Date of order:16.2.1996.

Between:-

1. The All India Postal Accounts,  
Employees Association, re.by its  
Circle Secretary, Sri T.Satyanarayana.
2. Sri A.P.Sastry Senior Accountant,  
O/o the Director of Accounts(Postal),  
Andhra Circle,Hyd.

..... Applicants.

And

1. The Union of India, rep.by its Secretary,  
Department of Posts, Dak Bhavan,  
Parliament Street,New Delhi.
2. The Chief Postmaster-General,Andhra Circle,
3. The Director of Accounts(Postal),  
Andhra Circle,Dak Sadan,Hyderabad.

4. .... Respondents.

Counsel for the Applicant: Mr.B.S.A.Satyanarayana

Counsel for the Respondents: Mr.K.Ramulu,CGSC.

CORAM:

HON'BLE MR.JUSTICE V.NEELADRI RAO,VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN,MEMBER ADMINISTRATIVE.

J U D G M E N T

{ as per Hon'ble Mr. Justice V. Neeladri Rao, Vice-Chairman }

The first applicant is All India Postal Accounts Employees Association, while the second applicant is a member of the said Association. This OA is filed praying for a direction to the respondents to treat the late coming of the officials to duty on 4.3.1992 as duty as they completed the work by sitting late even after the expiry of the working hours and for a consequential direction to the respondents to repay the amounts already recovered.

2. Office of R-3 is situated in 7th, 8th & 9th floors of Dak Sadan, Hyderabad. A lift is provided for the same. The case of the applicants is that the lift did not function ~~and~~ for some days prior to 4.3.1992 and ~~on 4.3.1992.~~ <sup>at</sup> At about 4.00 P.M. on 4.3.92 the lift was operated. Hence, while some of the employees had gone to the office along with ~~steps/stair-case~~, and some of the employees had gone to the office only after the lift was operated. In view of the same 4.3.1992 was treated as Dies-non in regard to 97 members of the staff of R-3. Being aggrieved, the Association and one member of the Staff Association filed this OA.

3. One of the contentions raised for the applicants is that D.G., P&T's letter No.10-44/79-PE.II dt. 26.11.1979 and Deptt. of Telecom Lr.No.15-26/86-TE.II dt. 2.3.1989 <sup>vide</sup> the day can be marked as dies-non by the leave sanctioning authority only under the three following circumstances viz.

- (i) when the official remains absent from duty without prior information;

- (ii) when on duty in office, the official leaves the office without proper permission; and
- (iii) the official remains in office, but refuses to perform duty assigned to him.

and as this late coming is not one of the ~~consideration~~ circumstances contemplated by the D.G.P&T letters referred to, the order of the competent authority in marking 4.3.92 as dies-non is illegal.

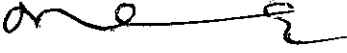
4. But it was urged for the respondents that <sup>as</sup> it is not a case of those who had come late <sup>that</sup> as they were not physically fit and could not come along with stair-case, and hence the competent authority was justified in treating the same as dies-non.

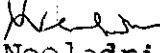
5. Of-course late-coming is also an act of misconduct and hence disciplinary action can be taken and in such a case one or more of the punishments referred to in Rule-11 of CCS(CCA) Rules can be awarded. D.G., P&T letters referred to hereinabove make it evident that the day can be marked as dies-non only under three circumstances referred to above. Hence, there is an illegality in treating 4.3.92 as dies-non and accordingly the same is liable to be quashed.

6. As it is stated that the same thing was not repeated later, and in order to ensure ~~public interest and~~ <sup>in the interest of public</sup> harmony between the employees and management, we feel it <sup>liberty</sup> is not a case where an opportunity has to be given to the respondents to initiate disciplinary action in regard to late coming on 4.3.1992.

7. In the result, the order of the competent authority in marking 4.3.1992 in regard to 97 members of the staff of R-3 is quashed. The concerned members of the staff have to be paid salary for that day by treating the day as leave due to them.

8. The OA is ordered accordingly. No costs. //

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated 16th Feb., 1996.

Dictated in the open court. Dy. Registrar (Judl)

Grh.

Copy to:-

1. Secretary, Department of Posts,  
Government of India, Dak Bhavan, Parliament Street,  
New Delhi.
2. The Chief Postmaster-General, Andhra Circle,
3. The Director of Accounts (Postal),  
Andhra Circle, Dak Sadan, Hyderabad.
4. One copy to Mr. B.S.A. Satyanarayana, Advocate,  
CAT, Hyderabad.
5. One copy to Mr. K. Ramulu, CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy

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OA-1346/95

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M(A)

Dated: 16-2-1996

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

1346/95

T.A.No.

(w.p.No.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No spare copy

