

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 480/95 Date of Order 4.11.97
BETWEEN :

1. Mirza Hamid Ali Baig 4. Smt. Youhana Begum
2. P. Sunitha 5. Smt. Zahurunnisa
3. N. Balaiyah .. Applicants.

AND

The Senior Post Master .. Respondent.
Hyderabad GOP, Hyderabad.

* * *

Counsel for the Applicant .. Mr. P. Rathaiah

Counsel for the Respondent .. Mr. K. Bhaskara Rao

CORAM:

HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

As per Hon'ble Shri B.S. Jai Parameshwar, Member (Judl.)

Mr. B.S.A. Satyanarayana for Mr. P. Rathaiah, learned counsel for the applicant and Mr. K. Bhaskara Rao, learned standing counsel for the respondents.

2. There are five applicants in this OA. They are working under the respondent. It is stated that due to certain exigencies they had submitted leave applications from 21.2.95 to 8.3.95. The leave was not sanctioned. However the respondent by his memo No. A6/Strike Dlgs. dated 20.3.95 (A-3) ^{informed} directed them that their absence from duty for the said period could be treated as dies non in accordance with provisions of Rule 62 of P&T Manual Vol. III.

2

3. Being aggrieved by the said memo the applicants have filed this OA to quash the said memo dated 20.3.95 declaring it as arbitrary, unjust and illegal and to direct the respondents to treat the said period as leave.

4. The respondents have filed their counter stating that the C.P.M.G., AP Circle in their memo dated 19.1.95 ordered for diversion of six posts of Postman from Hyderabad GPO to various sub offices in Hyderabad City Division. On this issue ^{the} [^] of APIEU, Postman, Group- D and EDAs of Hyderabad GPO branch held an extraordinary generalbody meeting on 16.2.95 and communicated certain resolutions and that the applicants had not submitted their leave applications in time, that they participated in the proposed strike and that the impugned memo was issued under the said circumstances.

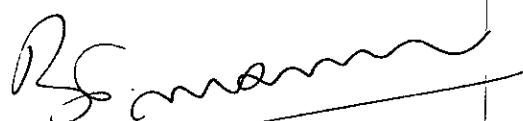
5. The applicants have not stated clearly the circumstances under which they proceeded on leave. From the version of the respondents, it appears that the applicants participated in the strike and in order to get over the difficulty of break in service they submit that they had applied for the leave during the said period.

6. The impugned order of treating the period as dies non is an appealable one. The applicants are at liberty to approach the higher authorities for converting the period treated as dies non either as casual leave or any other leave which they ^{had} ~~feel~~ to their credit.

7. In view of the above, the applicants, if so advised, may submit a detail ^{red} representation for treating the period as leave due to them in accordance with the rules to the higher authorities higher than the authority who treated the period as dies non. If such a representation is received from the applicants, that authority should dispose of the representation in accordance

with the rule within a period of 2 months from the date of receipt of that representation. If the respondent authority adhere to their earlier decision of treating the period as dies non ^{for} the reasons, treating the period as dies non should also be indicated in the final order.

8. With the above direction, the OA is disposed of with no order as to costs.

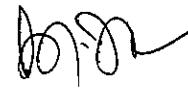

(B.S. JAI PARAMESHWAR)
Member (Judl.)
4.11.97


(R.RANGARAJAN)
Member (Admn.)

Dated : 4th November, 1997

(Dictated in Open Court)

sd


D.R.

DA.480/95

Copy to:-

1. The Senior Post Master, Hyderabad GPO, Hyderabad.
2. One copy to Mr. P. Rathaiah, Advocate, CAT., Hyd.
3. One copy to Mr. K. Bhaskara Rao, Addl.CGSC, CAT., Hyd.
4. One copy to BSJP M(J), CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

Dated:

4-11-97

ORDER/JUDGMENT

M.A.R.A/C.A.NO.

in
D.A.NO. 480/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

