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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00876/2015

Thursday, this the 28th day of February, 2019

CORAM:

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Smt.Leelavathi N.J.,
W/o N.Radhakrishnan,
Aged 50 years,
Working as Assistant Accounts Officer,
Accountant General Office,
Thiruvananthapuram – 695 039.
residing at Ragam, House No.A-48,
Chattambiswamy Nagar,
Medical College P.O.,
Thiruvananthapuram – 695 011.

....Applicant

(By Advocate Ms. Bindu G.)

V e r s u s

1. The Deputy Accountant General (A/C & VLC),
Office of the Principal Accountant General (A&E),
Kerala, Thiruvananthapuram – 695 039.

2. The Senior Accounts Officer,
AC Section, Office of the Principal Accountant
General (A&E), Kerala,
Thiruvananthapuram – 695 039.Respondents

(By Mr.Mayankutty Mather for Respondents)

This application having been heard on 20th February, 2019 the Tribunal
on 28.02.2019 delivered the following :

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ORDER

HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER

OA No.876/2015 is filed by Smt.Leelavathi N.J., seeking the following reliefs:

- 1) To call for the records leading to issue of Annexure A7 and quash the same as illegal and arbitrary.
- 2) To declare that the period of absence of the applicant from 20.08.2015 to 16.10.2015 is not unauthorised absence.
- 3) Direct the respondents to sanction leave application from 20.08.2015 to 16.10.2015 as per her application.
- 4) Grant such other reliefs as may be prayed for and as the Court may deem fit to grant, and
- 5) Grant the cost of this Original Application.

2. The applicant is presently working as Assistant Accounts Officer in the Accounts Current Section of the A.G.(A&E) Kerala. The applicant has unblemished service of 27 years. The applicant has not been issued any memorandum or show cause notice or adverse marks by superior officers during 27 years of service in AG's Office. The applicant had undergone medical treatment at the Government Ayurveda College Panchakarma Hospital, Poojappura, Thiruvananthapuram from 6.7.2015 to 16.10.2015 (inpatient from 6.7.2015 to 4.8.2015) and thereafter as advised by the Doctor to take rest upto 16.10.2015. Thereafter, on admission to the hospital, she applied for 45 days from commuted leave from 6.7.2015 to 19.8.2015 on medical ground. Despite sending this application by speed post, her leave from 20.08.2015 to 16.10.2015 has not been sanctioned nor any information given by the

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department. She has been issued with a memorandum by first respondent dated 13.10.2015 asking the applicant's explanation for unauthorised absence from 20.8.2015 to 16.10.2015. The applicant filed reply explaining the true facts that the department has not followed the rules. The General conditions of Part III Leave Rules says that all Government servants should be encouraged to take earned leave regularly and earned leave should not be denied during the last ten years of service. The applicant is having sufficient leave in her credit, both earned leave and medical leave and on non-sanction of the same, she has approached this Tribunal.

3. Notices were issued to the respondents. Respondents filed reply and submitted therein that posting of PLI schedules done in this office was in heavy arrears and as a result, three high ranking officials of PLI visited the office and appraised that the belated posting of PLI schedule has resulted in heavy monetary loss. Each month the office had to settle around 1.75 crore towards PLI which were outstanding under Suspense head due to delay in posting of PLI schedules. The applicant being Assistant Accounts Officer has also been handling certain important work such as preparation of Certified list, drawal and sending of DD to the Director, PLI, Kolkata, accounting and adjustment of Inward accounts of Railway, P&T and Defence etc. However, without attending to the work allotted to her and without applying for leave the applicant remained absent from the 22.06.2015. Subsequently, the applicant informed the section concerned that she was on Commuted leave and subsequently

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forwarded the leave application dated 29.06.2015 citing personal affairs. It is further submitted that the applicant unauthorisedly absented from duty from 6.7.2015. A memorandum dated 17.7.2015 was issued to her by registered post directing her to report for duty forthwith. However, the same was returned undelivered. Instead of joining duty the applicant had sent an application for Commuted leave dated 8.7.2015 with Medical Certificate for a period from 6.7.2015 to 19.8.2015. In continuation, she had forwarded an application for Earned leave for 59 days from 20.8.2015 to 16.10.2015 citing illness. Due to her unauthorised absence, the work allotted to her resulted in heavy arrears and she was issued with another memorandum dated 13.10.2015 directing her to report to duty forthwith.

4. The Respondents have cited Circular dated 6.2.2013 issued by the Deputy Accountant General (Admn), which says that application for Commuted leave exceeding eight days in a month should be submitted to the leave sanctioning authorities with Medical Certificates, medial bills and other relevant medical records. The leave applications submitted by the applicant were not supported by relevant documents as specified in Circular dated 6.2.2013, such as medical certificate, medical bills etc. Thus for want of supporting documents such as bills of Hospital and medicine bills, certificate, the leave was declined by the respondents and treated as unauthorised absence and salary for the period of August and September was not disbursed. In terms of Rule 25 of CCS (Leave) Rules "if a Government servant absent himself abruptly or

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applies for leave which is refused in the exigencies of service and still happen to absent from duty, he should be told of the consequences, viz., entire period of absence would be treated as absence entailing loss of pay for the period in question.

5. It is further submitted that during the said period of her absence she was reportedly seen coming to office regularly for attending the training class which was conducted outside office hours. This act of the applicant in attending the training class while urgent and important work was pending was inappropriate. The respondents have also cited order in OA No.405/2013 –

P.A.Antony Flemmy Mathew Vs. The Accounts Officer and others and prayed for rejection of the OA.

6. After hearing the Counsel for parties and perusal of the records and appreciating the legal position, this Tribunal is of the view that the applicant has not shown true devotion to the duties and responsibilities. It is expected from every Government official that unless and until severe emergency is there, they should take prior sanction for leave of any kind. The applicant has been working under the respondents for the last 27 years as Assistant Accounts Officer and she must be aware of such Rules. The applicant has prayed for regularisation of her leave on the basis of treatment at Government Ayurveda College Panchakarma Hospital, shall alone can be considered by the department for regularisation provided she should have submitted the

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corresponding document such as medical bills etc which she has failed to submit before the respondents. If the Government official is given liberty to avail leave at his will and pleasure, the Government offices will find only empty seats and administrative functions will come to a grinding halt. In the present case, the applicant despite having alleged medical conditions she was attending the training programme with the respondents which leads to only one conclusion that she should have also joined duty particularly when the demand of her post is very high. Under the circumstances, this Tribunal finds that the application has no merit and the same is liable to be rejected. OA is accordingly, dismissed with no order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/00876/2015

1. **Annexure A1** – True copy of the leave application dated 29.06.2015 submitted by the applicant.
2. **Annexure A2** – True copy of the submission on 02.07.2015 by the applicant.
3. **Annexure A3** – True copy of the note put up by the DAG (A/Cs & VLC) dated 27.07.2015.
4. **Annexure A4** – True copy of the note put up by the DAG (A/Cs & VLC) dated 20.08.2015.
5. **Annexure A5** – True copy of the leave application dated 08.07.2015 submitted by the applicant.
6. **Annexure A6** – True copy of the leave application dated 12.08.2015 submitted by the applicant.
7. **Annexure A7** – True copy of the Memorandum No.AC/X/PLI/288886/00943 dated 13.10.2015.
8. **Annexure A8** – True copy of the Medical certificate dated 6.7.2015 issued from the Government Ayurveda College Panchakarma Hospital, Poojappura, Thiruvananthapuram.
9. **Annexure A9** – True copy of the note dated 08.05.2015 distribution of work to the applicant and ors.
10. **Annexure A10** - True copy of the representation dated 17.10.2015 submitted by the applicant.
11. **Annexure A11** - True copy of the pay slip of the applicant for the month of October, 2015.
12. **Annexure R1(a)** - True copy of the Memorandum.
13. **Annexure R1(b)** - True copy of Circular No.8/2012-2013.
14. **Annexure R1(c)** - True copy of the order of this Hon'ble Tribunal in P.A.Antony Flemmy Mathew Vs. The Accounts Officer and others (OA No.405/2013)
15. **Annexure R1(d)** - True copy of letter issued by the Chief Post Master General; Kerala Circle.

16. **Annexure R1(e)** - True copy of Paragraph 3.2 of Manual of General Procedure (MGP).
 17. **Annexure A12** - True copy of the salary certificate issued for the month of October, 2015.
 18. **Annexure A13** – True copy of the salary certificate issued for the month of November, 2015.
 19. **Annexure A14** - True copy of the salary certificate issued for the month of December, 2015.
 20. **Annexure A15** – True copy of the receipt dated 4.12.2015.
 21. **Annexure R1(f)** - True copy the D.O.letters
 22. **Annexure R1(g)** - True copy of the letter submitted by the applicant.
 23. **Annexure A16** - True copy of the Annual Performance Appraised Report for 2009-10.
 24. **Annexure A17** - True copy of the order dated 27.07.2016.
 25. **Annexure A18** - True copy of the submission dated 13.01.2016.
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