

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA  
OA/050/00238/15**

Date of order: 27.03.2019

**C O R A M**  
**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER**  
**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Arun Kumar Shukla, son of Late R.K. Shukla, Ex HAS, RMS 'U' Division, Muzaffarpur, resident of Kishoralaya Bhawan, Anandpuri Bibiganj, Muzaffarpur – Vaishali (Bihar)

.... Applicant.

By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India through the Director General of Post, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Bihar Circle, Patna.
3. The Post Master General, Northern Region, Muzaffarpur.
4. The Director, Postal Services, Northern Region, Muzaffarpur.
5. The Superintendent, Railway Mail Service 'U' Division, Muzaffarpur.
6. The Director Accounts of Post, Bihar, Patna- 800001.

.... Respondents.

By Advocate: - Mrs. P.R. Laxmi

**O R D E R**  
**[ORAL]**

**Per Dinesh Sharma, A.M:-** This OA is against the order dated 04.03.2015 passed by respondent no. 2 whereby the request of the applicant for release of his salary for the period 08.03.2006 to 14.06.2006 and from 01.11.2006 to 24.11.2006 has been rejected. The applicant had earlier approached this Tribunal through OA 537/2004 which was disposed of on 31.07.2014 with a direction to the competent authority to dispose of the representation of the applicant by passing a reasoned and speaking

order within a period of three months. This order (the impugned order) is annexed at Annexure A/8. The applicant has challenged this order on grounds of it being “illegal, arbitrary, unconstitutional, against the settled principles of law” and “against Article 14, 16 and 21 of the Constitution of India.” The applicant has alleged that during the concerned period the applicant had to visit the concerned police station in connection with the criminal case, that was lodged against him following the complaint made by the respondents. He could not attend duty for this reason and therefore the rejection of his request for payment of salary for the above-mentioned period of absence is wrong.

2. The respondents have filed their written statement in which they have denied the claim of the applicant. They have alleged that the applicant was absent from duty without any authority. The order passed by the Chief Post Master General (CPMG) following the direction of this Tribunal is a very detailed order and it sufficiently explains the reasons for not treating the period of absence as duty.

3. We have gone through the pleadings and heard the arguments of the learned counsels for the parties. A plain reading of the impugned order makes it very clear that it has been issued after enough application of mind. The order gives details of the pleadings and has rejected the request of the applicant on valid grounds. It concludes that the applicant was released on personal bond and his absence, purportedly for attending police investigation in the case in which FIR was lodged by the Department, cannot be treated as part of duty. It is specially so since he did not even

inform the department or took permission of the competent authority to attend police investigation. The order also mentions about the view of the Director of Postal Services (North) according to which the applicant's absence should have been treated as duty. The then Postmaster General did not agree with this view of the Director, Postal Services. The CPMG (who issued the impugned order) agreed with the views of the Post Master General and not with the view of the Director, Postal Services. We do not find anything wrong in such difference of opinion between two officers, and the CPMG agreeing with the view of the Superior Officer. Just because one officer of the Department had suggested the period of absence to be treated as duty does not give any right to the applicant to have that matter immutably decided in his favour.

4. Since, as described above, there are no sufficient reasons to quash the very detailed and reasoned speaking order issued following the directions of this Tribunal, the OA is dismissed. No costs.

**[ Dinesh Sharma ]**  
**Administrative Member**  
**Srk.**

**[Jayesh V. Bhairavia]**  
**Judicial Member**