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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 357/2002 &
MA No. 382/2002

New Delhi, this the 13th day of February, 2002

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S.R. ADIGE, VICE-CHAIRMAN (A)

Vicky Kakkar
Assistant
Commercial Wing
Embassy of India
Rome. ... Applicant

(By Advocate Shri K.K. Gauba)

V E R S U S

1. Union of India through
The Secretary
Ministry of External Affairs
Government of India
South Block
New Delhi.
2. The Head of Chancery
Embassy of India
Rome, ITALY. ... Respondents

ORDER (ORAL)

S.R. Adige:-

Applicant impugns respondents' order dated 6.12.2001 (Annexure A-1).

2. In the impugned order, it has been stated that applicant who joined the Indian Embassy at Rome on 21.5.2001 has been absent from duties either on unauthorised leave or on medical leave without Medical Certificate for a total of 111 days as on 9.11.2001. It is further stated that from applicant's service book, it has been noticed that he has a total of 23 days Earned

Leave and 181 days of Half Pay Leave to his credit. He has yet to apply for leave for the period for which he has been in hospital under medical care. The total period of leave at his credit as on 9.11.2001 stands exhausted.

3. We had heard applicant's counsel on 12.2.2002, on which date he had asserted that his client had submitted leave applications to authorities in Rome but that ^{the} same had not been considered by them. We had asked applicant's counsel to show us copies of the aforesaid leave applications, and had adjourned the case. In the meanwhile, applicant has filed MA No. 382/2002 praying for immediate hearing of the case, and the same, therefore, comes up in the supplementary list today.

4. In this connection, along with the MA is a typed copy of two official communications said to have been issued by the Embassy and M.E.A levelling various charges against the applicant including:-

- (1) his residence is unclean and unhygienic
- (2) neighbours complain of his disturbing them with his life style.
- (3) charge of unauthorised absence
- (4) charge of arriving office in an intoxicated state
lack of
- (5) charge about *lack of* discipline and decorum.

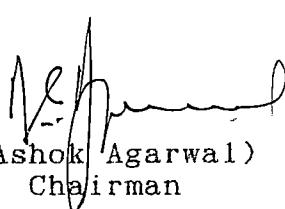
5. Applicant's counsel stated that the respondents were compelling his client to return to India, and prays

for an interim order restraining the respondents from doing so.

6. Applicant has not shown us any material to warrant our judicial interference in the matter.

7. Under the circumstances, the OA is dismissed in limine. MA No. 382/2002 also stands disposed of accordingly.


(S.R. Adige)
Vice Chairman (A)


(Ashok Agarwal)
Chairman

/sns/