

Central Administrative Tribunal  
Principal Bench

O.A. No. 935 of 2001

New Delhi, dated this the 4<sup>th</sup> April, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)

Shri. Vijender Kumar  
S/O Shri. Jai Singh  
R/O 2362, Bawana Road,  
Delhi - 110040

.....Applicant

(By Advocate: Shri Amit Rathi)

Versus

1. The Chief Secretary  
Govt. of N.C.T. of Delhi,  
Delhi Secretary, I.P.Estate,  
New Delhi.
2. The Principal Secretary (Services)  
Govt. of N.C.T. of Delhi  
Delhi Secretariate, I.P.Estate,  
New Delhi.
3. The Director  
U.T.C.S.(Traning)  
Govt.of N.C.T. of Delhi,  
Institution Area, Viswas Nagar,  
Shahdara, Delhi-110032. ....Respondents  
(By Advocate: Shri G.Paracken through Shri  
J.A.Chaudhary)

ORDER

S.R.Adige, VC(A):

Applicant impugns the disciplinary authority's order dated 18.2.99 (Annexure-III) removing him from service; the appellate authority's order dated 3.1.2000 (Annexure- II) and the revisional authority's order dated 18.4.2000 (Annexure-I) upholding the penalty. He seeks reinstatement with consequential benefits.

2. Applicant was proceeded against departmentally vide Charge Memo. dated 18.12.1996 on the charges of unauthorised absence from duty from

13.1.1996 onwards, and failure to comply with the directions given to him, though served on him <sup>7</sup> through several memos/show cause notices.

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3. The E.O.'s report dated 15.4.1998 (Annexure VI) reveals that despite several opportunities given to applicant, he did not participate in the inquiry, as a result of which the E.O. was compelled to conduct the enquiry ex-parte, and held the charges against applicant as established.

4. A copy of the E.O.'s proceedings was communicated to applicant on 19.6.1998 (Annexure-VI) for representation, if any.

5. Applicant requested for a personal hearing which was allowed and in that personal hearing his only request was that his resignation dated 10.11.1997 be accepted, which was rightly disallowed in view of the pendency of the disciplinary proceedings against him.

6. After going through the materials on record, the disciplinary authority, by impugned order dated 18.2.1999, ordered applicant's removal from service, which was upheld in appeal, and in revision, given rise to the present OA.

7. We have heard both sides.

8. The main ground advanced in applicant's behalf is that he was admitted in LNJP Hospital in December, 1995 and thereafter remained on medical

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leave and hence, it was not a case of unauthorised absence from duty. It is also contended that his detailed representation made during the course of the disciplinary proceedings was not dealt with by respondents.

(16)

9. We have considered these grounds carefully.

10. No materials have been shown by applicant to conclusively establish that from 13.1.1996 onwards he remained so unwell ~~and~~ <sup>as</sup> to be unable to attend duty throughout his period of absence, and that he had sent application for leave, duly supported by MC's, to cover his entire period of absence. Furthermore, applicant has not satisfactorily explained why he did not participate in the inquiry at every stage of the proceedings. Even if no reply was received by applicant to a particular representation of his, that does not condone applicant's own misconduct in remaining unauthorizedly absent from duty.

11. The OA, therefore, warrants no interference and it is dismissed. No costs.

Lakshmi

(Mrs. Lakshmi Swaminathan)  
Vice Chairman (J)

/RAO/

Adige

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