

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2525/1996

New Delhi this the 2nd day of May, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Narender Singh
S/o Shri Parbhati Lal
R/O Village Bhotwas, P.O. Khori,
Distt. Rewari
(Haryana) ... Applicant
(By Advocate Shri V.P. Sharma)

-Versus-

1. N.C.T. of Delhi through the
Chief Secretary,
Old Secretariat,
Delhi.
2. The Commissioner of Police
Delhi Police Head Quarters,
I.P.Estate,
New Delhi.
3. Sr. Additional Commissioner of Police
A.P. & Training, Police Headquarters
I.P.Estate, New Delhi.
4. The Deputy Commissioner of Police
IX Bn, DAP, Respondents
Delhi.

(SI B.R.Dhanda, Departmental Representative
for the respondents)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

A penalty of removal from service imposed upon the applicant in disciplinary proceedings initiated against him on grounds of unauthorised absence by an order passed by the disciplinary authority on 16.4.1996 and the order of the appellate authority issued on 28.8.1996 dismissing the appeal are impugned by him in the present OA.

(2)

2. The appellate authority in his order has inter alia observed as under:-

..If the appellant was ill, under treatment and advised rest by the doctor then he should have submitted medical certificate to the competent authority and sought permission to avail medical rest as per rules. Moreover, when he was directed by the DCP to report to Civil Surgeon, Rewari for second medical opinion he should have complied the orders but he failed to do so.... Because as per report of DCP/9th Bn. the appellant had never informed the department about his illness."

3. When the present OA was taken up for arguments on 5.4.2000, it was inter alia ~~observed~~ as under:-

"The appellate authority in his order passed on 28th August, 1996 has inter alia observed " Moreover, when he was directed by the DCP to report to the Civil Surgeon, Rewari for second medical opinion he should have complied the order but he failed to do so". As far as the applicant is concerned, he has alleged that no such directions were issued to him by the DCP."

Present OA was accordingly adjourned in order to enable the learned counsel appearing for the respondents to produce the disciplinary proceedings file in order to make good the contention that the applicant had been informed in writing to obtain a second medical opinion from the Civil Surgeon. When the matter is called out today, the departmental representative SI B.R.Dhanda has produced for our perusal a direction issued to the applicant on



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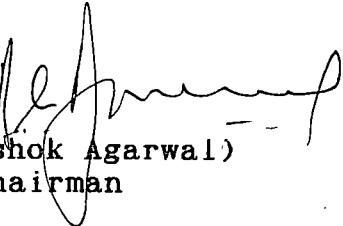
4.11.1994 whereby he has been directed to report to the Chief Medical Officer, Rewari for second medical opinion. The said intimation has been duly acknowledged by him on 7.12.1994. Despite this, he has refrained from submitting himself for the second medical opinion. In the circumstances, we find that the assertion made on behalf of the applicant that no intimation was given to him for submitting himself for the second medical opinion is found to be false.

4. We have perused the impugned order issued by the disciplinary authority as also the one by the appellate authority. We find that the finding of misconduct is based on good and sufficient material placed in the disciplinary proceedings. Principles of natural justice have been duly followed. No exception can, therefore, be had to the orders impugned.

5. Present OA in the circumstances is dismissed. There shall be no order as to costs.


(V.K. Majotra)

Member (A)


(Ashok Agarwal)

Chairman

sns