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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-2065/94

New Delhi this the 18th Day of October, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)  
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Suresh,  
S/o Sh. Birbal,  
Qr.No.12/172,  
G-Point, New Delhi-1.

Address for service of all Notices:

M/s Garg, Roy & Associates,  
Advocates for the applicant,  
14A/13, WEA, Karol Bagh,  
New Delhi-5;

Applicant

(through Sh. S.M. Garg, counsel)

versus

1. Union of India,  
through Secretary to the President,  
President's Secretariat,  
Rashtrapati Bhavan,  
New Delhi-4.
2. Military Secretary to the President,  
President's Secretariat,  
Rashtrapati Bhavan,  
New Delhi-4.

Address for service of all Notices:

Central Registry,  
President's Secretariat,  
Rashtrapati Bhavan,  
New Delhi-4.

Respondents

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)

The applicant was employed as a Mali in the President's Gardens, Rashtrapati Bhavan, New Delhi. Disciplinary proceedings were initiated against him on the ground that during the period July, 1990 to February, 1991 he unauthorisedly absented himself from duty for 105 days on 13 occasions. A chargesheet was given to him. An enquiry officer was appointed. That officer submitted its report to Disciplinary Authority. The Disciplinary Authority before passing an order of

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punishment furnished a copy of the enquiry officer's report to the applicant and called upon him to submit his reply within the specified time. The applicant failed to do so. On 3.3.1994, the Disciplinary Authority passed an order removing the applicant from service. On 30.8.1994, the Appellate Authority dismissed the appeal preferred by the applicant. The orders passed by the Disciplinary Authority and the Appellate Authority are being impugned in the present application.

We have gone through the chargesheet given to the applicant, the enquiry officer's report and the two impugned orders. We have heard the learned counsel in support of this application. It appears that prior to the passing of the impugned order, the President's Secretary himself administered two warnings on two different occasions to the applicant not to absent himself from duty without any cause. This probably had no effect upon the applicant. We are satisfied that the enquiry officer's report does not suffer from legal infirmity so as to enable us to interfere.

The learned counsel has vehemently urged that the medical certificates allegedly submitted by the applicant have not been taken into account by the enquiry officer. We may note that none of the said certificates have been filed alongwith the O.A. We may take judicial notice of the fact that in the President's Secretariat, there is a well equipped dispensary. We also find from the record that the

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applicant has been allotted accommodation in the President's Estate itself. Admittedly, the applicant did not go to the dispensary. Instead, he chose to go to some private practioner. As already stated, that even the certificates issued by that practioner have not been brought on record. No ground, therefore, exists for intereferece with the impugned orders.

The application fails and it is rejected summarily.

*B.N. Dhoundiyal*  
(B.N. Dhoundiyal)

Member(A)

*S.K. Dhaon*  
(S.K. Dhaon)

Vice-Chairman

/vv/