

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 302/1990

Date of decision: 29.07.1993

Shri Mahesh Chand

...Petitioner

Versus

Lt. Governor, Delhi & Others

...Respondents

For the Petitioner

...None.

For the Respondents

...Ms. Veena Kalra, proxy counsel for
Mrs. Avnish Ahlawat, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DEOUDIYAL, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

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

The petitioner, a Constable, in the Delhi Police, was subjected to disciplinary proceedings. An enquiry officer was appointed. He submitted his report. The punishing authority upon receipt of the report, issued a show cause notice to him. A reply was filed to the said notice. After considering the reply, the punishing authority on 8.4.1986 awarded the punishment of dismissal from service. The appeal preferred by him was dismissed on 13.03.1987. The revision application was also dismissed on 22.03.1988. The orders of the punishing authority, appellate authority and the revisional authority are being impugned in the present application.

2. A counter-affidavit has been filed on behalf of the respondents.

Sury

3. It appears that the petitioner did not appear in the departmental enquiry in spite of the service of notice on him. The gravamen of the charge against the petitioner was that he remained absent for a considerable time without obtaining any leave. The punishing authority as well as the appellate authority have given a finding of guilt against the petitioner. The revisional authority ^{Considering in} too passed a detailed order appending before it all the contentions advanced before it. It found that the petitioner went on 4 days casual leave on 4.3.1984 and, therefore, he was due to resume his duty after the expiry of 4 days casual leave on 9.3.1984 but he absented himself from 9.3.1984 to 3.7.1984 and again w.e.f. 11.7.84. He neither sent medical certificate to the department about his sickness or sickness of his wife nor informed the office during his entire absence and thus availed the leave of his own thereby contravening Rule 19.5 of the C.C.S.(Leave) Rules, 1972.

4. We have gone through the record of the O.A. and we find that there is no infirmity in the disciplinary proceedings.

5. This application has no substance and is rejected without any order as to costs.

B.N. DHOONDIYAL
(B.N. DHOONDIYAL)
MEMBER (A)
29.07.1993

S.K. DHAON
(S.K. DHAON)
VICE CHAIRMAN
29.07.1993

RKS
290793