

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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OA.2426/91

Date of Decision: 2.8.93

Shri O.S. Aggarwal

Applicant

Versus

Union of India

Respondents

Ms. Sandhya Goswami

Counsel for the applicant

CORAM: The Hon. Mr. C.J. Roy, Member(J).

The Hon. Mr. S.R. Adige, Member(A).

JUDGEMENT(Oral)

(by Hon.Member(J) Shri C.J. Roy)

This matter was called out for hearing twice in the morning but no one appeared on behalf of the respondents. Hence we proceeded to hear the learned counsel for the applicant Ms. Sandhya Goswami.

2. The matter relates to removal from service. The applicant was appointed on 23.3.1968. He was removed from service vide order dated 22.2.1991. The applicant has prayed in his relief for quashing the impugned order dated 22.2.1991. The charge sheet issued states that the applicant was absenting himself unauthorisedly. It appears that he was granted medical leave in 1984 upto 7.4.86. But from 7.4.86 to 30.9.89, the applicant was supposed to have committed the misconduct of being absent from duty. An enquiry was conducted and he was removed from service. The applicant preferred an appeal but the appeal was returned back to him stating that it was addressed to a person not competent to receive the same.

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3. Subsequently, the applicant claims to have filed another appeal for which he did not get any acknowledgement and which was not disposed of as stated by him, on the ground of being time barred. The applicant was examined medically in the All India Institute of Medical Sciences and he was diagnosed to be suffering from delusion disorder (Paranoid) B'cos. The applicant now claims in the petition that this is the same reason for which he could not be present in the office, due to the circumstances beyond his control.

4. In the light of th above, we direct the respondents to dispose of the appeal filed by the applicant before them, in accordance with law, after giving the applicant an opportunity of being heard and after taking into consideration all the circumstances including the medical certificate issued by the AIIMS. While doing so, they should condone the delay in filing the appeal, in view of the applicant's medical condition.

5. The above direction shall be complied with, within a period of 3 months from the date of communication of this order. The case is disposed of accordingly with no order as to costs.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)
02.08.1993

C.J. Roy
(C.J. ROY)
MEMBER(J)
02.08.1993