

26

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-2106/2004
MA-1780/2004

New Delhi this the 12th day of September, 2006.

**Hon'ble Mr. Justice B. Panigrahi, Chairman
Hon'ble Mrs. Chitra Chopra, Member(A)**

Const. Afzal Ahmad No.2404/PCR,
North East Zone/PCR, Delhi. **Applicant**

(through Sh. Kamal Naresh, proxy for Sh. Sachin Chauhan, Advocate)

Versus

1. The Commissioner of Police, Delhi
Police Headquarters,
MSO Building,
I.P. Estate,
New Delhi.

2. Union of India through
Secretary of Home Affairs,
New Delhi.

.... **Respondents**

(through Sh. Ram Kawar, Advocate)

ORDER (Oral)

Hon'ble Mr. Justice B. Panigrahi, Chairman

The applicant has challenged the punishment order imposed against him whereby his salary has been reduced to initial stage i.e. from Rs. 3500/- to Rs. 3050/- P.M. in the time scale of pay for a period of two years permanently and further they directed that the absence period shall be treated as 'not spent on duty'. The applicant has also filed an appeal. The Appellate Authority having found no other mitigating circumstances to reduce the

B

2

punishment, affirmed the same. Being aggrieved by the punishment order passed by both the authorities, he has filed the present Original Application.

2. A departmental proceeding was initiated against the applicant for an unauthorized absence for the following periods:-

Sl. No. of absence	DD No. & Dt. of arrival	Period	Absence from duty/leave/ Medical rest etc.
		D H M	
1. 48	5.7.99	39 - 8.9.99	65 04 30 Medical rest (from 1.7.99 to 4.7.99 medical rest permitted, later on marked absent w.e.f. 5.7.99 neither he join duty nor informed the department).
2. 42	13.10.99	80 20.10.99	07 12 05 C.L.
3. 40	07.11.99	60 17.12.99	39 20 - Duty
4. 30	14.1.2K	22 20.1.2K	06 21 30 C.L.
5. 21	03.2.2K	61 11.2.2K	08 07 - Duty
6. 46	22.3.2K	33 29.4.2K	38 03 55 E.L.
7. 13	30.4.2K	33 20.7.2K	82 01 35 Duty
8. 55	13.8.2K	59 15.9.2K	32 15 50 Duty
9. 66	18.10.2K	42 12.11.2K	25 03 10 C.L.
10. 63	13.12.2K	26 2.1.01	20 02 30 Duty
11. 47	4.2.01	15 16.2.01	11 11 05 Duty
12. 22	10.3.01	24 23.3.01	12 22 45 C.L.
13. 27	10.4.01	24 30.4.01	19 23 30 C.L."

3. These statements would disclose that even after the applicant was permitted to avail medical leave, casual leave, duty and earned leave, since he did not resume his duties, the respondent-authorities have treated such period as unauthorized absence. It is stated in the Article of Charges that the applicant absented himself while he proceeded on medical leave, six times from CL/EL and six times from duty. In the departmental proceeding also he did not file any statement of defence by explaining his unauthorized absence

nor there has been any document being produced during the enquiry regarding such unauthorized absence.

4. Learned counsel for the applicant in the course of hearing has invited our attention to Annexure A-7, a certificate purported to have been issued by Institute of Human Behaviour & Allied Sciences dated 5.4.2004. On a careful analysis of the certificate, we found that it does not come to his rescue since this has been issued after disposal of the disciplinary proceeding and, therefore, has hardly any relevance to dispose of the present case.

5. Since the applicant has remained unauthorized absent on more than 12 occasions, it seems that the punishment imposed against him is not such severe. They have stated that prior to this occasion on a number of occasions the applicant has remained unauthorized absence for which he was visited various punishments. In that view of the matter, we find that there is no merit in this application. Hereafter be it noted that if the applicant behaves in the same manner as he has been doing in the past, it is open to the authorities to take stern action against him.

6. With the above observations, the present Original Application is dismissed. No costs.

Chitra Chopra
 (Chitra Chopra) _____
 Member(A)

Banipal
 (B. Panigrahi)
 Chairman