

OPEN COURT

**Central Administrative Tribunal Allahabad Bench
Allahabad.**

Allahabad This The 23rd Day Of September 2008.

ORIGINAL APPLICATION NO. 398 OF 2001

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)

Hon'ble Mr. Manjulika Gautam, Member (A)

Ghanshyam Son of Shri Gole,
Resident of Chinor Road, Darshan Colony,
Dabra, Gwalior (MP) at the relevant time working
As Diesel Cleaner No.746, in the Office of
Locoforeman (Diesel), Central Railway,
Jhansi.

.....Applicant

By Advocate: Shri T.C. Sharma.

Versus.

1. The Union of India through General Manager,
Central Railway, Mumbai.
2. The Senior Section Engineer (Diesel), Locoshed,
Central Railway Jhansi/Loco Foreman (Diesel),
Central Railway, Jhansi.
3. The Divisional Railway Manager, Central
Railway, Jhansi.
4. The Divisional Technical Engineer (Diesel),
Central Railway, Jhansi.

.....Respondents.

By Advocate: Shri S.K. Shukla.

O R D E R

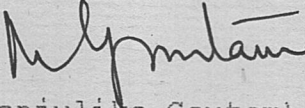
Delivered by Justice A.K. Yog, Member (J)

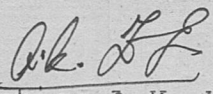
Heard Shri T.C. Sharma, Advocate on behalf of
the applicant and Shri Abrar Ahmed Siddiqui holding
brief of Shri S.K. Shukla, counsel for the
respondents.



2. Perused the contents of the OA and the documents annexed thereto. The Medical Certificate, copies of annexed in the OA as Annexure-A-1, A-5 to A-10. It is clear that the applicant pleaded his medical disability suffered from Brain decease. There is no averment that he had hospitalized in the Railway hospital. He has applied for leave under the Railway's Rule. However, on perusing the impugned order ~~as~~ (Annexure-A-1) we do not find any manifest legality. On the other hand the concerned authority, while passing the impugned order in September, 2000, specifically noted that the applicant was not available on his ^{own} ~~own~~ address and the letter sent to him was received back un-delivered. The authority has noted that all these were done to mislead the department. We find no error whatever the applicant has done dereliction in duty. We find no merit in this case. Accordingly, the OA is dismissed.

3. No order as to costs.


(Manjulika Gautam)
Member-A


(Justice A.K. Yog)
Member-J

RKM/