

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD

(THIS THE 27<sup>TH</sup> DAY OF OCTOBER 2009)

PRESENT

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J  
HON'BLE MR. S. N. SHUKLA, MEMBER-A

ORIGINAL APPLICATION NO. 56 OF 2005.  
(U/S 19, Administrative Tribunal Act, 1985)

Badri Vikram, son of Shri Shiv Mangal Prasad, Resident of Village Taura Tehsil Kavri District Chitrakoot at present Nayee Basti Gol Talab Sector Vijiya Hospital Kashai Road Karvi, District Chitrakoot.

.....Applicants

By Advocate: Shri Udai Gopal Singh/Anant Vijai  
Shri A.K. Srivastava

Versus

1. Director Rail Mail Services, Agra Range Agra.
2. Superintendent R.M.S. 'X' Division Jhansi.
3. Inquiry Officer, Assistant Superintendent R.M.S. 'X' Division, Jhansi.
4. Union of India through Secretary, Ministry of Post and Telecom, New Delhi.

.....Respondents

By Advocate: Shri S.N. Chatterji

**O R D E R**

(Delivered by : Justice A.K. Yog, Member -Judicial)

Heard Shri Anant Vijai, Advocate appearing for the Applicant and Shri S.N Chatterjee, Central Government Standing Counsel representing the respondents.

*Q.W.*

2. This O.A. has been filed against impugned order dated 31.12.2003 (Annexure A-1/Compilation I) passed by Disciplinary Authority in respect to the charges contained in charge memo served upon him. The main charge being that applicant was unauthorisedly absent from duty and submitted bogus medical certificates as a pretext to justify his absence.

3. Applicant did not challenge said order by filing Appeal under Statutory Rules and preferred to file present O.A.

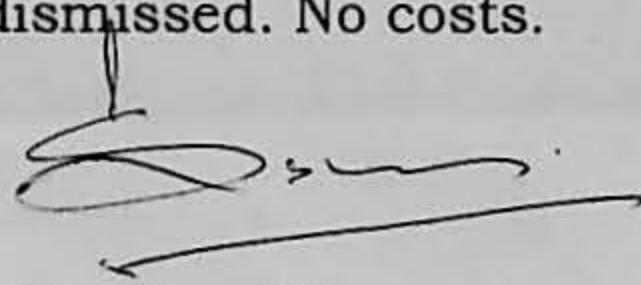
4. Respondents have filed detailed counter affidavit denying contentions of Applicant in the O.A. It is not necessary for us to record the same in detail as Tribunal is neither Trial Court nor Appellate Forum and thus not expected to deal with evidence in details.

5. Learned counsel for the Applicant argued that impugned order deserves to be set aside as the same has been passed ex-parte and without affording opportunity of hearing. In support of his argument, he has referred to the order dated 20.5.2003 (Annexure 21/Compilation II) wherein it was directed that Inquiry Officer may hold fresh enquiry and submit enquiry report within one month. In the said order, it has been specifically mentioned that since the then Shri Lalji Ram was transferred and another Officer Shri P.N Shakhyavar was appointed as Inquiry Officer under Office order dated 01.07.2007, who submitted fresh report on 22.12.2003. Impugned order further states that Applicant was given copy of it requiring his explanation, which was received in the office on 26.12.2003. This grievance of the Applicant is unfounded and against record.

Amr

6. We have carefully gone through the Impugned order and find that Disciplinary Authority has discussed this aspect in detail and found that the Applicant had filed bogus medical certificate/s and concluded that the Applicant had deliberately/willfully absented from duty without sanctioned leave.

7. The Applicant has failed to show that observation/finding made in the impugned order is perverse or otherwise irregular or misconceived. We find no ground to interfere with the impugned order dated 31.12.2003 (Annexure A-1/Compilation I). Accordingly, O.A dismissed. No costs.



Member (A)



Member (J)

Manish/-