

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (T.A.) No. 696 of 1986

Ram Manohar

Plaintiff-Applicant

Versus

Union of India

Defendant-Respondent

Hon'ble S. Zaheer Hasan, V.C.
Hon'ble Ajay Johri, A.M.

(Delivered by Hon. S. Zaheer Hasan, V.C.)

Suit No. 880 of 1984, which was pending in the court of Munsif I, Jhansi, has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. The case of the applicant is that he was appointed as Safaiwala in the year 1963. Subsequently he was promoted as Khalasi and then as Semi-skilled Fitter. He was thereafter promoted as Fitter in the year 1979. After serving charge-sheet and making departmental enquiry the applicant was removed from service on 19.7.1983 for unauthorised absence of 53 days, as held by the Enquiry Officer on different dates between 17.3.1981 and 23.6.1982. His appeal was dismissed, hence the instant suit, which has come on transfer to this Tribunal.

3. The learned counsel for the applicant contended that the punishment awarded is clearly excessive and the Tribunal should substitute the sentence of reversion to the post of Semi-skilled Fitter and the applicant will not claim any back wages. The applicant is working since 1963. His illness started sometime in March 1981 and

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continued upto June, 1982 on different dates. It is not a case where the employee remains absent on unreasonable grounds. The applicant was ill no-doubt. Ofcourse he did not follow certain rules and procedures regarding leave. The applicant was working as Fitter at the time of punishment. We are told that his substantive post was Semi-skilled Fitter.

4. From the above it appears that the punishment is clearly excessive, so under the circumstances of the case we substitute the sentence of reversion, instead of removal, to ~~his substantive~~ ~~in post of Semi-skilled Fitter~~. The applicant will not get any back wages. The application (Suit No.880 of 1984) is disposed of accordingly. Parties will bear their own costs.

23.9.87

Vice-Chairman.

मंत्री

Member (A).

Dated: September 23, 1987.

PG.