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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration No. 22 of 1988

Ambika ... .. Applicant.

Versus

Union of India and others ... .. Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C. )

The applicant was Assistant Station Master and at the relevant point of time, ~~on~~ was working at Ahrarura Station, Allahabad Division. According to ~~he~~ <sup>her</sup> he was sent for training in Safety Camp, Kanpur and he reported thereon 17.10.1984. He was spared on 23.10.1984 from safety camp and for return journey, he boarded by first available train. Unfortunately, he fell ill in the way of journey and when he reached his railway quarter at Ahrarura station, his illness became serious. He sent a message on a paper through one Sri Triloki Nath Mishra, to the Station Superintendent that he was going back to Allahabad to join his family members as no medical aid was available and there was none to look after him. His due rest was also falling on 25th October, 1984. When he reached to Allahabad, he took medical assistance from a recognised Medical Practitioner and when his condition did not improve, he through his friend informed the Station Superintendent Ahrarura Road through Station Master, Allahabad on 26.10.1984. He was reporting sick from 26.10.1984. He remained under treatment of his Medical attendant and ultimately he reported for duty on 15.11.1984. He was directed to obtain fitness certificate from Railway Director and according to the applicant, the fitness certificate

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was given to him by the ADMO Chunar on 16.11.1984. He reported for duty on 17.11.1984 but instead of putting him on duty, he was put off duty. In between it is not necessary as to what happened, but the applicant was charge-sheeted and enquiry proceeded ~~and enquiry proceedings~~ against him. The enquiry officer, held the applicant guilty and on the basis of that, the disciplinary authority removed him from service. The applicant filed an appeal before the appellate authority and the appellate authority dismissed the same by a short order that he has been in habit of ~~absent~~<sup>absenting</sup> from duty, as such, <sup>his</sup> appeal is dismissed. The applicant filed a review application which was allowed partly and the applicants removal order was converted to reduction in rank. Feeling aggrieved against the same, the applicant has approached the Tribunal challenging the entire enquiry proceedings down from the appointment of the enquiry officer, who according to the applicant was <sup>a</sup> junior officer. In this case, admittedly, the applicant was put off duty and he submitted medical certificate issued by the private medical practitioner and it was for the respondent to accept the said certificate or not. It appears that after taking into consideration all the facts and circumstances, the reviewing authority was of the view that the punishment of removal was too harsh and excessive and for this very offence, this punishment should not be given and that is why the same was reduced. We do not find any such ~~flaw~~ in the enquiry proceedings on in the punishment so passed which may ~~call for~~ our interference. However, as has been contended by the learned counsel, that in view of the Railway Board's circular, the period could have been treated to be leave on duty and the applicant would have been



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paid salary and emoluments for the same. For this, the applicant even now <sup>can</sup> ~~approach~~ ~~to~~ the Railway Authorities and in case, the authorities are satisfied that his contention is correct, there appears to be no reason why his rank has been reduced. The application is disposed of with the above observations. Parties to bear their own costs.

Member (A)

Dated: 7.7.1992

(n.u.)

Vice-Chairman