

Open Court.

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated Allahabad, This The 14th Day of September, 2000

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Mr. S. Dayal, A.M.

Original Application No. 1367 of 1999

Joel Gabrial  
son of Late Shri Gabrial  
aged about 52 years,  
Fitter Grade-III,  
Loco Diesel Shed, Izzatnagar, Bareilly  
resident of Methodist Mission Church Compound  
C/O Smt. P.J. Gabrial,  
Haldwani,  
Distt. Nainital, U.P.

. . . Applicant.

Counsel for the Applicant: Sri V. Sinha, Adv.

Versus

1. Union of India through Secretary, Ministry  
of Railways, Rail Bhawan, New Delhi.
2. Divisional Railway Manager (Personnel)  
North- Eastern Railway, Bareilly.
3. Avar Mandal Rail Prabandhak,  
North Eastern Railway Izzatnagar, Bareilly
4. Parwar Mandal Yantrik Engineer/Diesel  
Izzatnagar, Bareilly.
5. Sahayak Yantrik Engineer/Diesel Shed,  
North Eastern Railway, Izzatnagar, Bareilly.

. . . Respondents.

Counsel for the Respondents: Sri Amit Shatlekar, Adv.

  
  
  
(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)




Order (Open Court)

(By Hon'ble Mr. Justice R.R.K. Trivedi V.C.)

We have heard counsel for the applicant and Sri Amit Sthalekar for the respondents.

2. By this application under section 19 of the Act order dated 26.11.98 has been challenged by which applicant has been removed from service. The appeal filed against the said order has been dismissed on 10.9.99 which is annexed as Annexure-2 to the application. The revision against the aforesaid order has been dismissed on 13.9.99. We have perused the impugned orders. Charge against the applicant was that he remained absent from duty for the period 7.8.95 to 12.12.96. The applicant gave explanation for ~~the~~ remaining absent for the said period which has not been accepted and in our opinion rightly. The applicant could not produce medical certificate of illness from any Government Doctor though his wife is also posted in Medical Department. The applicant is also facing another charge for remaining absent from 27.1.94 to 21.11.94. Thus it appears that he is a habitual absentee as observed by Appellate Authority and is not in a position to discharge his duties. The punishment awarded in the facts and circumstances is justified and does not call for any interference by this Tribunal. The application is rejected.

No order as to costs.

  
Member (A.)

  
Vice Chairman

Nafees.