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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 485/2000

WEDNESDAY, THIS THE 8TH DAY OF MAY, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

1. Smt. Bhaggoo Bai,
Aged about 35 years,
W/o late Sri Shanker Lal,
2. Devendra,
Aged about 10 years,
S/o late Sri Shanker Lal.
3. Bharat,
Aged about 7 years,
S/o late Sri Shanker Lal
(All residents of Village - Sahada,
Teh. Bina, District - Sagar (M.P.) .. Applicants

(By Advocate Shri R. Verma)

versus

1. Union of India, through
the General Manager,
Central Railway,
Chhatrapati Shivaji Terminus,
Mumbai.
2. The Assistant Engineer (South),
Central Railway, Jhansi.
3. The Divisional Engineer (South)
Central Railway, Jhansi.
4. The Senior Divisional Engineer (General),
Central Railway,
Jhansi. ... Respondents

(By Advocate Shri D.C. Saxena)

ORDER - (ORAL)

Hon'ble Mr. C.S. Chadha, Member (A):

The case in brief is that the applicant was a Gangman in the Railways when he was charge sheeted for unauthorised absence from 8.3.1997 to 28.9.1997 and an

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inquiry was held in which he claimed that he was ill during the said period. The Inquiry Report of the Inquiry Officer is at Annexure-7. The conclusion of the Inquiry Officer is that the delinquent official Shankar Lal, son of Mangu Lal, during his absence due to illness violated service and medical rules.

2. The learned counsel for the applicant states that the charge sheet does not mention the charge of violating any medical rules and therefore, the applicant was not found guilty of unauthorised absence.

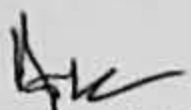
3. We see from the charge sheet that as a result of his unauthorised absence, he was also charged of violating the Railway Conduct Rules, 1966 and in the inquiry report, it has been clearly brought out that the applicant had admitted that although he was ill, and getting treated during the said period of absence, he did not inform the office about his illness and neither did he give any such information to the Railway doctor. We ^{no doubt} agree that the findings of the Inquiry Officer ^{Ln} have been poorly worded, but, it does not mean that he has not been found guilty. The poor wording of the Inquiry Officer in the inquiry report is perhaps due to the lack of knowledge of drafting ^{of Ln} a report correctly. The basic fact that the person concerned was absent from duty for ^{Ln} 6 months and 20 days without giving any information or seeking any leave for the said period is quite clearly brought home by the Inquiry Officer. The Inquiry Officer has also held that

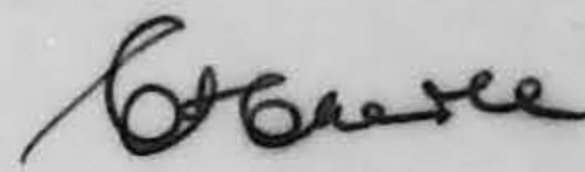
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the applicant had violated service rules. What he meant was the Conduct Rules belonging to his service. Merely adding the words Medical Rules does not lend any great help to the applicant. The facts of the case are ~~the~~ conclusively proved by the applicant's own admission that he remained absent without information to the Office. This amounts to unauthorised absence and therefore, there is no merit in the case.

4. The O.A. is dismissed. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)

psp.