

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.520 of 1992.

Date of decision : February 17, 1994

Adikanda Mallik ...

Applicant.

Versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? ^{NO}
2. Whether it be circulated to all the Benches of the ^{NO} Central Administrative Tribunals or not ?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

17 FEB 94


(K. P. ACHARYA)
VICE-CHAIRMAN.

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For the applicant ...

M/s. C. A. Rao,
S. K. Purchit, S. K. Behera,
P. K. Sahoo, Advocates.

For the respondents ...

Mr. L. Mohapatra,
Standing Counsel (Railways)

CORAM:

THE HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN.

A N D

THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

ORDER

K. P. ACHARYA, VICE-CHAIRMAN, In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the order of punishment contained in Annexure-12 and to direct the respondents to treat the entire period during which the applicant was out of duty as ^{on} duty and grant all financial benefits to the applicant.

2. Shortly stated, the case of the applicant is that he was serving ⁱⁿ the South Eastern Railway as a Keyman. Very unfortunately, the applicant suffered from Leprosy. He remained unauthorisedly absent. Hence a proceeding was drawn up against the applicant and

ultimately the disciplinary authority vide Annexure-12 dated 8.2.1991 held that the applicant is no longer fit person to continue in service with effect from 1.2.1991. Hence, this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that the applicant was suffering from Leprosy and since the applicant did not join his duties a charge-sheet dated 28.2.1990 was served on him and ultimately, the impugned order was passed.

4. We have heard Mr. S.K. Purohit learned counsel for the applicant and Mr. L. Mohapatra learned Standing Counsel (Railways.) There cannot be any dispute regarding the fact that the applicant was suffering from Leprosy. Though Mr. Purohit submitted before us that the applicant has since been **cured** but in the interest of the applicant, we think it best and proper not to quash Annexure-12. Since he has been suffering from a contagious disease it is for his own interest, he should discontinue from rendering any service to the Railway Administration. But here is a case where the applicant deserves sympathy from all concerned. Most unfortunately the disease invaded the body of the applicant as a result of which he had to forego his plate of rice. One can safely say out of his own experience how a leprosy patient is looked down upon by a co-member in the society and therefore for his treatment and for his maintenance somebody else should be given a

job so that there would be some mental satisfaction of the applicant. In case any of the sons of the applicant applies to the competent authority for appointment, the same should be considered sympathetically. The applicant is directed to file an application on behalf of his son or his son may file an application directly addressed to the General Manager, South Eastern Railway, Garden Reach, Calcutta with copy to the Divisional Railway Manager, S.E. Railway, Khurda Road annexing a copy of this judgment and we would strongly commend to both these officers to take a sympathetic view over the son of the applicant and give him an appointment on compassionate ground preferably within 60 (sixty) days from the date of filing of the application.

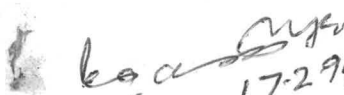
5. In Annexure-12, it is stated by the Assistant Engineer - II, South Eastern Railway, Cuttack directing the applicant to submit settlement papers to Divisional Personnel Officer, S.E. Railway, Khurda Road. We do not know what the officer meant by settlement of papers but the disengagement of the applicant from Railway service is mainly on the ground of his suffering from Leprosy for which he had unauthorisedly remain absent. The applicant has not been dismissed from service. The disciplinary authority has stated that the applicant is no longer fit to continue in service. It is admitted that the applicant has retired on invalidation ground. Therefore, the applicant is

entitled to pensionary benefits which should be calculated till the date he had rendered service to the Railway Administration and paid to him within sixty days from the date of receipt of a copy of the judgment.

6. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.


MEMBER (ADMN.)

17 FEB 94


VICE-CHAIRMAN.

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
February 17, 1994/Saranghi. Sr. P. A.