

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH,CUTTACK

O.A.NO.593 of 2003

Cuttack, this the 14 day of April, 2005

Sri M.P. Pattanaik Applicant

Vrs.

Union of India and others
Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ? MD
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? AD


(G.SHANTHAPPA)
JUDICIAL MEMBER


(B.N.SOM)
VICE-CHAIRMAN

V
CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

O.A.NO. 593 of 2003

Cuttack, this the 15 day of April, 2005

CORAM:

**HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.SHANTHAPPA, JUDICIAL MEMBER**

.....

Sri M.P.Pattnaik, Fireman, Grade II, Naval Armament Depot,
At/PO Sunabeda, Dist. Koraput
Applicant

Advocates for applicant
U.C.Mohanty,

- M/s S.K.Pattnaik,
M.K.Pati & N.Satpathy
Versus

1. Union of India, Ministry of Defence, New Delhi,
represented through Secretary
2. Flag Officer-Commanding-in-Chief, Headquarters,
Eastern Naval Command, Naval Base, Vishakhapatnam.
3. Chief Staff Officer (P&A), Headquarters Eastern Naval
Command Naval Base, Vishakhapatnam.
4. Deputy General Manager, Naval Armament Depot, At/PO
Sunabeda, Dist.Koraput.

..... Respondents

Advocate for the applicant - Mr.Bigyan Mohapatra,
AGSC
.....

ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

Shri M.Prasad Patnaik has filed this Original Application praying for quashing of the order dated 7.9.2001 (Annexure 14) passed by the disciplinary authority imposing on him the punishment of reduction to the minimum of the pay scale for a period of four years.

2. The factual matrix of the case is that the applicant, who was appointed on 15.11.1988 as Fireman Grade II in Naval Armament Depot (NAD, for short), Sunabeda, was absent from duty from 23.1.1995 to 24.6.1998 unauthorizely. He had left the duty station on receiving information that his wife had fallen ill at Nowrangpur on account of which he left the duty station on a scooter and on the way he met with a serious accident. He was taken to Nowrangpur District Hospital. Thereafter he was referred to King George Hospital, Vishakhapatnam, where he was treated for multiple fracture. It is his case that his father had informed Respondent No.3 about his illness and treatment at Vishakhapatnam and that he had also filed the leave application in that regard. After getting well he reported for duty on 4.12.1997 but he was not allowed to join till 25.6.1998. It is his case that as he had to remain away on the ground of





his illness, there was no case to initiate disciplinary proceeding against him.

3. The Respondents have resisted the Original Application stating that he is not entitled to any of the reliefs on the ground that an enquiry was held in the matter under Rule 14 of CCS (CCA) Rules where he was given full opportunity to prove his case. However, the Inquiring Officer after enquiring into the matter came to the conclusion that the applicant had left the duty station unauthorisedly on the plea of sickness without any supporting medical certificate and did never intimate the correct address/change in his address to the administration. The applicant was given full opportunity and thereafter only the disciplinary authority decided to impose on him the punishment, as stated earlier, taking all facts and circumstances of the case in view. The applicant had filed an appeal against the said order which was duly considered by the appellate authority who by its order dated 17.2.2003 (Annexure 16) confirmed the punishment imposed on the applicant and thereby rejected his appeal. As he was given full opportunity to defend his case, the Respondents have submitted that the Original Application merits no further consideration.

4. We have heard Shri S.K.Patnaik, learned counsel for the applicant and Shri Bigyan Mohapatra, learned Additional

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Standing Counsel for the Respondents and have perused the records placed before us.

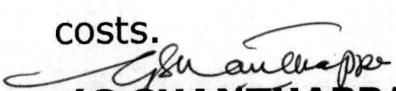
5. The Courts and Tribunals have very limited jurisdiction in the matter of disciplinary proceedings and normally they are slow to intervene in the matter unless it is a case of no evidence or a case of denial of natural justice, or a case reeking with mala fide/bias. No such allegation having been made nor any such material produced before us, we see no case for intervention. Over and above that, during hearing we had given full opportunity to the applicant to submit before us the record of his hospitalization including the medical expenses that he had incurred for his treatment both at Nowrangapur and at Vishakhapatnam. We had also directed the Respondents to carry out an enquiry both at Nowrangapur District Hospital as well as at King George Hospital, Vishakhapatnam, regarding the medical treatment received by the applicant. In spite of our giving repeated opportunities to the applicant, he has failed to produce any documents in support of his story. On the other hand, the Respondents by filing memorandum dated 29.3.2005 have placed before us a report from the Chief District Medical Officer, Nowrangapur, that the applicant was a patient at OPD of the District Hospital for treatment of allergic conjunctivitis. On the other hand, the Civil Surgeon, King George Hospital,

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Vishakhapatnam, submitted that the Hospital has destroyed the records of more than six years old. However, he confirmed that the applicant was admitted in the Nursing Home. In view of the reports obtained by the Respondents from the concerned authorities of the Hospitals, we see no merit in the submissions made by the applicant in his O.A. which, therefore, deserves to be dismissed being devoid of merit.

6. In the result, the Original Application is dismissed. No costs.


(G. SHANTHAPPA)
JUDICIAL MEMBER


(B.N. SOM)
VICE-CHAIRMAN

AN/PS