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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application 130/2007

Date of Order : 10.10.2011

**CORAM: HON'BLE DR. K.B. SURESH, MEMBER (J) &
HON'BLE MR. SUDHIR KUMAR, MEMBER (A)**

S.M. Khandelwal S/o Shri Biharilal
Aged about 63 years,
R/o HNO. 148, Near Shiv Temple,
Santoshi Mata Temple Lane
Adarsh Nagar, Pali Marwar,
Last employed on the post of JTO Bagidora on deputation
In the Office of SSA, Secondary Switching Area
District Banswara.

.....Applicant.

By Mr. J.K. Mishra, Advocate.

Versus

- 1- Union of India through Secretary to the Government of India, Ministry of Communication and Information Technology, Department of Telecom, 20, Ashoka Road, Sanchar Bhawan, New Delhi.
- 2- The Chairman (TC & Secy.), Department of Telecom, Ministry of Communication & Information Technology, 20, Ashoka Road, Sanchar Bhawan, New Delhi.
- 3- Chie General Manager, BSNL, Rajasthan Telecom Circle, Jaipur.

..... Respondents

By Mr. Kuldip Mathur, Advocate For R- 1 & 2.

By Mr. Vijay Bishnoi, Advocate For R-3.

**ORDER (ORAL)
[PER DR. K.B.SURESH, JUDICIAL MEMBER]**

Heard.

2. The applicant had absented from office for nearly sixteen years on the alleged ground of mental dis-order and was apparently under the treatment of Sadhus etc., but then this treatment of Sadhus of mental dis-order did not stop him from recognizing a news-paper advertisement calling for his return to office or face the consequences in January 1999, and within fifteen days of that, on 11.2.1999 the applicant reported back



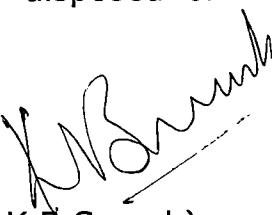
for duty in compliance with the requirement of the news-paper advertisement.

3- But, then again on the next date, he went away from duty and surfaced again in 2003. The concerned authorities held his absence as dies non with consequences to follow. It is now challenged by the applicant. He had produced certain medical certificates, especially Annex.A/4 given by Dr. Madan Lal Calla, which certifies that the applicant was suffering from Depressive Disorder and he was under his treatment from 1999. The certificate was issued on 24.3.2003 canvassing a view that he has reported sufficiently succinctly but then had it been so it will be in conflict with the applicant's own statement that during the concerned period from 30.9.1983 to 9.8.1998 he was under treatment of Sadhus etc. His pleadings also canvasses a view that the applicant had been under treatment from 12.2.1998 to 18.2.1999 and filed a certificate issued on 12.2.1999, Annex.A/3 which canvasses a disease of C. Neurosis. We find that neurosis cannot go along with Depressive Disorder as both the diseases are entirely different and could not be congruent with each other in normal course. After hearing the matter in detail and having gone through the pleadings, we are not satisfied that the case put forward by the applicant is genuine. We are not convinced either with the genuineness of the case of the applicant, or the contentions raised by him. We have also found that the stipulation he had made can only be false and motivated, but since he has already retired and now aged about 67 years, we do not want to pursue the matter any further. The O.A. is dismissed, without costs merely for the fact that he is aged 67



years now, and that is why we have decided not to impose a heavy cost on him, even though ^{we are} convinced that his case is false and frivolous. The O.A. is dismissed and stands disposed of accordingly without costs.


(Sudhir Kumar)
Administrative Member


(Dr. K.B. Suresh)
Judicial Member

jrm