

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. XXXXXX 225 OF 1992.

DATE OF DECISION 29-04-1992

P.J.Mathukutty Applicant (s)

Mr.Rajendran Nair, M.R. Advocate for the Applicant (s)

Versus

Chief Engineer (Elect.), Respondent (s)
Telecommunications, New Delhi
and others

Mrs.K.B.Subhagamani, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Y
2. To be referred to the Reporter or not ? N
3. Whether their Lordships wish to see the fair copy of the Judgement ? N
4. To be circulated to all Benches of the Tribunal ? N

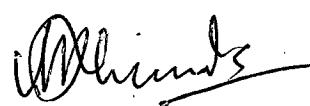
JUDGEMENT

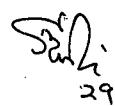
(Hon'ble Shri AV Haridasan, Judicial Member)

The applicant who was working as Junior Engineer under the second respondent submitted a representation dated 2.6.89 (Annexure-III) seeking permission to retire from service voluntarily on medical grounds. The representation was submitted while he was in U.S.A. according to him for medical treatment as he was suffering from schizophrenia-paranoid. This application has been filed with a prayer that the respondents may be directed to pass final orders on his representation at Annexure-III alleging that he did not get any reply to the said representation. As there is a delay in filing this application, the applicant has filed M.P.252/92 for condonation of delay, the ground taken in the petition for condonation of delay is that he was suffering from schizophrenia-paranoid and that he could not file the application so far.

2. When the application came up for admission the respondents filed a statement in objection objecting to condonation of delay but in the statement it was indicated that the request of the applicant for voluntary retirement had been considered and allowed by the competent authority by the order dated 26.7.89 and that the order could not be communicated to him since the previous communications sent to his local address were returned unserved with the endorsement "house locked, addressee left India". Now that the ultimate prayer made by the applicant in the Original Application has already been granted by the order dated 26.7.89 at Annexure.R.1, we are of the view that for the reasons mentioned in the affidavit accompanying the M.P. for condonation of delay the delay has to be condoned and application admitted, and disposed/with direction to give effect to Annexure.R.1. It has been stated in the application that disciplinary proceedings are in progress against the applicant for unauthorised absence and that the same has not been completed. We make it clear that we are not touching that aspect in this order.

3. In the result the application is admitted and disposed of with the direction to the respondents to give effect to the order dated 26.7.89 at Annexure.R.1 by voluntarily retiring the applicant from service/with effect from the A.N. of 2.6.89. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


29.4.92
(S.P. MUKERJI)
VICE CHAIRMAN

29.4.92

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