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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A.No. 265/89

R.G. Mishra

Applicant

versus

Union of India & others

Respondents.

Shri T.N. Gupta, Counsel for applicant.

Shri B.K. Shukla, Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was a Khalasi in the Railway, was faced with a disciplinary enquiry because of his unauthorised absence for two months. An enquiry proceeded and a finding was recorded that his absence was unauthorised. The appeal filed by the applicant was also dismissed. The applicant took a plea before the respondents that he sent the medical certificate from private Practitioner and sent it by U.P.C. and himself posted it.

2. From the appellate order it is clear that the application was sent but not the certificate. From the appellate order it is also revealed that the applicant was unable to resume his duties due to

sickness for one month and in his application dated 4.2.86 he mentioned that one month more may be granted for recovery. The private medical certificate which was filed by the applicant, recommends for rest for two months from 3.2.86 to 2.4.86. From this the appellate authority concluded that in case this application dated 4.2.86 might have been posted by the applicant, it must have mentioned period 2 months and not one month. While applying for regularisation of period vide his application dated 4.4.86, the applicant has not mentioned anything regarding his sickness that he was in private treatment. Thus, it was concluded that no certificate was filed by him. But it appears that some intimation was given by the applicant and may be because of ignorance and illiteracy he went to the extent of giving a statement which is not correct. As it is not justified setting aside the removal order but it does indicate that the applicant was absent for two months. Accordingly, the respondents will consider his case for re-employment in the circumstances, if they cannot give him continuity. It will be open for the respondents to treat the continuity of service of the applicant without giving any monetary benefit.

3. But for the above observations, the application is otherwise dismissed. No order as to costs.

*A.M. Karimzai*

*U*  
V.C.

Shakeel/-

Lucknow: Dated: 21.11.92.