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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY - 400 614

Original Application No. 532/87.

C.R. Salamu

... Applicant.

V/S

Union of India & 4 Others.

... Respondents.

Coram: Hon'ble Justice U.C. Srivastava, V.C.  
APPEARANCE: Hon'ble Member(A) M.Y. Priolkar

Mr. G.S. Walia  
Advocate  
for the applicant.

Mr. P.R. Pai  
Counsel  
for the respondents.

ORAL JUDGMENT:

Date: 8.8.1991.

(Per M.Y. Priolkar, Member(A).)

The applicant while serving as Crane Driver in Parel Workshop of Western Railway was removed from service on 8.12.1983 on the charge of unauthorised absence. An appeal preferred by the applicant was rejected by the Appellate Authority on 30.12.1986. A review application has also been considered and rejected and hence he has now approached the Tribunal praying for a declaration that he is entitled to reinstatement with all consequential benefits on the ground that the removal order, appellate order and review order are all illegal and invalid.

The respondents in their written reply have stated that the applicant has been removed from service for unauthorised absence after holding an inquiry according to law. Respondents have also denied the plea taken by the applicant that he was under treatment of a private doctor, one Dr. M.B. Bijur from 1.1.1984 to 10.10.1986, and have stated that the applicant has not followed medical rules of the Railways if he was really sick. We also find it difficult to accept the applicant's contention that he was under prolonged treatment with a private doctor in

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Bombay and has chosen not to avail of the medical facilities provided free of cost by the Railways to their employees at Bombay.

It is also averred by the respondents that the enquiry had to be conducted ex-parte as on all occasions when they had tried, the applicant could not be reached and we have also been shown certain registered post A/D envelopes addressed to the applicant by the Administration which have been returned with the remark of the postal authorities "LEFT INDIA." Obviously, in such circumstances there was no option for the Administration but to resort to ex-parte enquiry.

After hearing the learned counsel on both sides, we see no justification to interfere in this case. The application is accordingly dismissed with no order as to costs.

  
( M.Y. PRIOLKAR )  
MEMBER(A).

  
( U.C. SRIVASTAVA )  
VICE - CHAIRMAN