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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.734/87.

Shri P.R.Subramanian.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Shri Justice U.C.Srivastava, Vice-Chairman,
Hon'ble Member(A), Shri M.Y.Priolkar.

Oral Judgment:-

(Per Shri M.Y.Priolkar, Member(A)) Dated: 13.6.1991

The applicant who was an employee in the Naval Dockyard was sanctioned E.L. from 13.7.1981 to 12.10.1981. He did not however report for duty on the expiry of the leave on 13.10.1981. He on 29th January, 1982 applied for further extension of 6 months on the ground that his son was suffering from paralysis. After that the applicant neither sent any intimation nor any medical certificate but continued to remain absent. The respondents directed the applicant by their letter dt. 4.5.1983 to resume duty immediately or submit the required medical certificate from any authorised medical attendant. However, this letter was returned undelivered by the postal authorities with a remark 'returned to sender'. The show cause notice dt. 20.2.1982 was also sent to the applicant calling upon him to show cause within one month from the date of publication of notice as to why he should not be removed from service. This show cause notice was published in Newspapers having circulation in the local as well as in the permanent address. There was no response to this public notice also and the respondents removed the applicant from service by their order dt. 28.3.1984.

2. The grievance of the applicant is that this removal order is in violation of principles of natural justice as the applicant was not given full opportunity to defend his case in accordance with CCS(CCA) Rules. The learned counsel for the applicant contended that regular inquiry as required under rules could have been conducted before passing the removal order. We have, however, seen the record. In it two communications sent by Registered Post have been returned by the postal authorities with the remark that the "addressee was out of India". It was evidently, therefore, not practicable to hold any inquiry. Further when the notices were published in the News Papers there was also no response. The removal order passed by the disciplinary authority is a speaking order giving reasons and the applicant's appeal and the further leave application have also been considered, but rejected by the appropriate authorities. We therefore reject the applicant's contention that principles of natural justice have been violated and that a removal order has been passed in contravention of the provisions of CCS(CCA) Rules. Evidently, in such circumstances, holding of an inquiry would have been an empty formality. We do not therefore see any merit in this application. It is accordingly rejected. There will be no order as to costs.



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



(U.C. SRIVASTAVA)
VICE-CHAIRMAN.

B.S.M.