

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 364/2000

THURSDAY the 3rd day of JULY 2003

CORAM: Hon'ble Shri Kuldip Singh - Member (J)

Hon'ble Shri Shankar Prasad - Member (A)

Ashok Haribhao Kharat  
47/435, Ramabai Ambedkar Nagar  
Ghatkopar (East), Mumbai. ....Applicant

By Advocate Shri S.P. Inamdar

v/s

1. Union of India through  
The Director General/Secretary  
Department of Post  
Min. of Communication,  
Dak Bhavan, Parliament Street  
New Delhi.
2. The Chief Post Master General  
Maharashtra Circle, Mumbai.
3. The Sr. Supdt. of Post Offices  
North West Division, Borivali  
Mumbai.
4. The Sub-Post Master  
Borivali (W) Post Office  
Mumbai. .... Respondents.  
(By Advocate Shri V.S. Masurkar)

ORDER (ORAL)

{Per Kuldip Singh, Member (J)}

The applicant had impugned the order dated 12.12.1995 (Exhibit -A/1) passed by the Supdt. of Post Offices and also the revisional order dated 31.1.2000 (Exh - A/2). The applicant was proceeded departmentally on the allegation that he was

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wilfully absent from 1983 till the issue of charge sheet. The applicant did not submit his written statement of defence within the prescribed period and submitted and was advised that since he had not committed any fraud or financial loss to Government so nothing will happen and so he had admitted his guilt. Despite the same, he was shocked to receive the order by the Disciplinary Authority whereby the penalty of compulsory retirement was imposed upon him. The applicant had undergone open heart surgery and there was no wilful absence on his part.

3. The applicant pleaded that since he had by-pass surgery so he could not attend the office. The applicant also submitted that again he had fallen sick and had sent medical certificate so there was no wilful absence on his part.

3. We have gone through the rival contentions of the parties.

4. As regards the plea of the applicant that he remained absent due to Open Heart Surgery is concerned the certificate on record as well as the pleadings do show that the applicant had undergone by-pass surgery. There is also no denial that the applicant had joined the office thereafter. The applicant had referred to another medical certificate where, the 12 days rest was advised under the certificate has also not been satisfactorily explained.

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Even after being declared fit the applicant remained absent unauthorisedly. Another certificate is placed on record which shows that the applicant was suffering from schigophorinia from 17.8.1994 to 28.10.1998.

5. We have heard the learned counsel for applicant. The plea of the applicant that he admitted his guilt as he was told that since he has not committed any fraud so he should not anticipate any harsh punishment is not believable at all. Rather the facts show that the applicant has consciously admitted the charge sheet which he cannot challenge now.

Moreover the medical certificate now produced on record also belies the pleas taken by applicant.

6. As regards by-pass surgery is concerned, that had taken place in the year 1989. Thereafter the applicant joined duty. The unauthorised absence is for much later period that has no nexus with by-pass surgery.

The other medical certificate is for cold and fever for 12 days. The last certificate is for schigopherania which has no nexus with by-pass surgery. Hence we find that none of the pleas taken by the applicant hold good. Applicant consciously admitted his guilt.

Hence we find there is no scope for interference in the OA. As such the OA is disposed of. No costs.

*Shankar Prasad*  
(Shankar Prasad)  
Member (A)

*Kuldip Singh*  
(Kuldip Singh)  
Member (J)