

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE
DATED THIS THE 26TH DAY of MARCH, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 100/87

Shri C. Narayana,
Group D,
Tiptur HPO. ... Applicant.

Postmaster,
Tiptur. ... Respondent

(Shri M. Vasudeva Rao, ASC)

This application having come up for hearing to-day
Vice-Chairman made the following.

O R D E R

Case called.

2. Shri C. Narayana, applicant in the case, present.
We have heard him and Shri M. Vasudeva Rao, learned
Additional Central Government Standing Counsel that has
entered appearance for the respondent at our direction.

3. The applicant is working as Group D official in
the office of the Post Master (PM) Tiptur for more
than a decade. For the period from 7.7.86 to 25.7.86
and thereafter also the applicant applied for leave
on medical grounds. On 13.9.86, the PM had treated
the said period as dies non, however treating the
subsequent period from 26.7.86 to 13.8.86 as leave on

medical grounds. Aggrieved by the said order of the PM, the applicant filed an appeal before the Superintendent of Post Offices, Tumkur Division, Tumkur (Supdt) who by his order dated 28.1.87, dismissed the same. In this application made under Section 19 of the Administrative Tribunals Act of 1985, (the Act), the applicant in challenging the said orders had sought for consequential reliefs also.

4. Among others, the applicant has urged that he was medically unfit for the period in dispute and the same had been certified by a valid certificate issued by a competent medical officer and accepting the same the authorities were bound to treat that period as leave on medical grounds. At the hearing, the applicant re-iterated this very case before us.

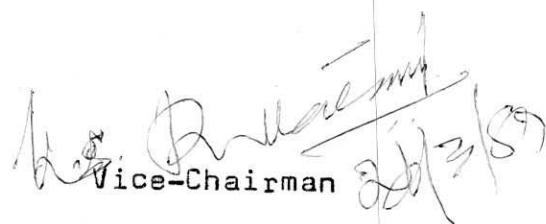
5. Shri Rao in refuting the contention of the applicant, contends that he was bound to appear before the District Surgeon, Tumkur (DS) for examination and his opinion and without complying with the same, the applicant had needlessly approached for relief.

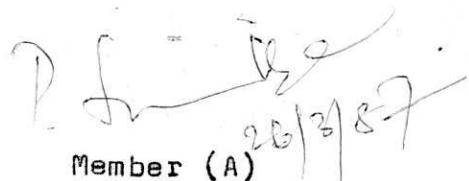
6. The period for which the applicant was seeking relief namely, from 7.7.86 to 25.7.86 was a short period of 19 days for the subsequent period from

26.7.86 to 13.8.86, the PM had also accepted the case of the applicant. In these circumstances we consider it wholly unnecessary to insist on the applicant to undergo a medical test before the District Surgeon. On the other hand, the proper cause for the PM is to grant such leave as is admissible to the applicant under the rules without treating the same as dies non.

7. In the light of our above discussion, we quash order No.F/SB/APPLS/DLGS. dated 28.1.87 of the Superintendent and order No.PF/C.Narayana dated 13.9.86 of the Postmaster and direct the PM to grant such leave as is admissible to the applicant for the period from 7.7.86 to 25.7.86 under the rules regulating the same.

8. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.


Vice-Chairman 3/3/87


Member (A) 26/3/87

sr/Mrv.