

CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH  
CIRCUIT AT NAGPUR

O. A. 24 of 1991

Present : Hon'ble Mr. A.P.Bhattacharya, Judicial Member  
Hon'ble Mr. P.S.Chaudhuri, Administrative Member

AJAYA BOBDE

VS

UNION OF INDIA & ORS

For the applicant : Mr. V.N.Bagle, counsel

For the respondents : Mr. Ramesh Darda, counsel

Heard on : 19.3.91 : Order on : 21.3.91

ORDER

A.P.Bhattacharya, J.M.:

This application under section 19 of the Administrative Tribunals Act, 1985, has been filed by Shri Ajaya Bobde against the Ministry of Communication, represented by the Secretary and the Telecom District Manager, Nagpur.

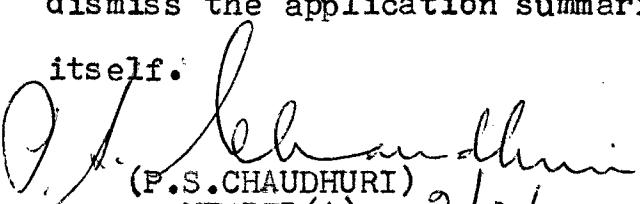
2. The applicant holding a National Trade Diploma of the Govt. of Maharashtra was appointed as a Wireman on 1.3.79. He fell ill on 2.4.85 and was under <sup>the</sup> treatment of several doctors from that date till 6.9.90. During the said period he was unable to attend his office. On 6.9.90, he got a fit certificate and went to resume his duties on the following day. But he was not allowed to join his duties. Being aggrieved by such action he has filed this application praying for issuing a direction on the respondents so that they may allow him to join his duties with effect from 7.9.90.

3. It is the case of the applicant that with a National Trade Diploma of Govt. of Maharashtra he joined the post of

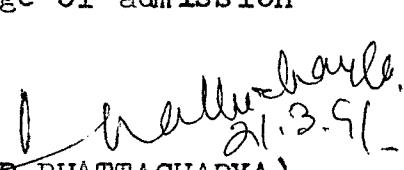
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Wireman under respondent No. 1 on 1.3.79. It is his case that on 2.4.85 he fell ill and his such illness continued upto 6.9.90. It is his grievance that when after obtaining a fit certificate on 7.9.90, he went to join his duty he was not permitted to do so. In support of his case, the applicant has filed several medical certificates in Annexures- E, F, G, H & I. It is his own case that he was ill for a period of more than five years i.e. from 1.4.85 to 6.9.90. It is curious to note that during such a long period of absence on the <sup>ground of</sup> alleged illness he had never cared to intimate his office. Annexure-D shows that on 1.4.85 he submitted an application praying for sick leave from that date. From this annexure we do not get that such letter had at all reached the addressee i.e. the Asst. Engineer, Nagpur. The other letter which we get is in Annexure-J which is dated 7.9.90. This, according to the applicant, was the letter by which he sought permission to resume his duties. For obvious reasons he was not permitted to do so. From the facts and circumstances of the case stated above, we have no reason to admit this application, as the applicant has failed to establish any *prima facie* case. From the medical certificates produced by him we do not find that his alleged illness was so serious that he could not attend his office and perform his duties for more than five years. It is also not known whether his service has since been terminated because of his absence for more than five years. As and when the applicant's *prima facie* case is not established, we are of opinion that this application is not at all fit for adjudication by this Tribunal. Accordingly, we dismiss the application summarily at the stage of admission itself.

  
(P.S. CHAUDHURI)  
MEMBER (A)  
21.3.91

2/3/91

  
(A.P. BHATTACHARYA)  
MEMBER (J)  
21.3.91