

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 10 FEB 1994

APPLICATION NO(s) 789 of 1993.

APPLICANTS: Smt.G.S.Shakunthala RESPONDENTS: Secretary, Ministry of Steel and Mines, N.Delhi & Others.

TO.

1. Sri.K.Sridhar,
Advocate, No. 730,
Sixth Main, Srinagar,
Bangalore-560 050.
2. The Director,
Geological Survey of India,
Airborne Mineral Surveys and
Exploration Wing, No.2, Church Street,
Bangalore-560 001.
3. Sri.M.S.Padmarajaiah,
Sr.C.G.S.C., High Court Bldg,
Bangalore-560 001.

SUBJECT:- Forwarding of copies of the Orders passed by the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal in the above mentioned application(s) on 19-01-1994.

S. Srinivas
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A.NO. 789/93

WEDNESDAY THIS THE NINETEENTH DAY OF JANUARY 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

G.S. Shakuntala,
W/o Sri G.K. Shyama Rao,
Major,
No.122/1, 4th Block
4th Main, Thyagarajanagar,
Bangalore-28.

... Applicant

[By Advocate Shri K. Sridhar]

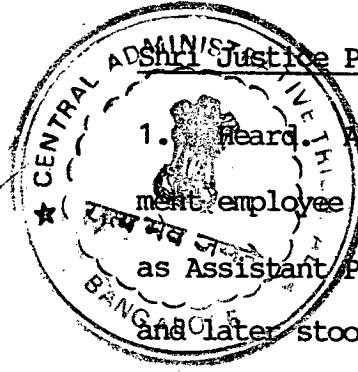
v.

1. Union of INDIA represented by its Secretary, Ministry of Steel & Mines, Department of Mines, Shastri Bhavan, New Delhi-110 001.
2. The Director General, Geological Survey of India, 27, Jawaharlal Nehru Road, Calcutta-16.
3. The Deputy Director General, Geological Survey of India, South Regional Office, 5-5-449, Mukharram Jahi Road, Hyderabad.
4. The Senior Deputy Director General, Geological Survey of India, No.2, Church Street, Bangalore.

... Respondents

[By Advocate Shri M.S. Padmarajaiah ...
Senior Central Government Standing Counsel

O R D E R



1. Heard. Admit. This application is by the wife of a Government employee who was serving in the Geological Survey of India as Assistant Physicist upon induction into that post on 13.4.1966 and later stood promoted to a higher post with effect from 4.9.71.

As the pleadings disclose after he registered progress in his career following his promotion as Geo Physicist on 4.9.1971, he appears to have fallen ill due to mental disability identified as Paranoid-Schizophrenia, as seen from the certified testimonial issued by the Deputy Medical Superintendent, NIMHANS on 3.9.1993. The certificate makes mention of the abovesaid illness in the following terms:

"This is to certify that Sri G.K. Shama Rao Gl. No.2695-73 was admitted in this Hospital on 6.8.1973 and discharged on 24.10.1973. He was under treatment for 'Paranoid Schizophrenia'. On and off he was coming to the out patient department for follow up. His last visit to the Hospital was on 16.12.91. Medical Board examination was conducted on 10.4.1989."

It transpired that after he fell ill in the year 1971, he was off duty frequently and between 18.4.1973 and 17.10.1976 he sought for and obtained ~~earned~~ ^{exhanging} leave without a medical certificate. Subsequent thereto he sought for and obtained further extension of leave.

2. The department itself is not in a position to obtain any information from its own records. It just transpires that in the year 1989 he underwent what appears to be an extensive medical examination by a Board consisting of five Doctors. Their joint examination resulted in an unanimous opinion by the Board as follows:


"In view of his long standing illness with gross deficits in day to day functioning capacities and poor motivation, we come to the conclusion that he will not be in a position to work and is not fit for future services of any kind."

3. On the basis of this certificate, what appears to lay eyes is that the officer in question is suffering from a mental disease that hardly left him in a composed state of mind adequate enough

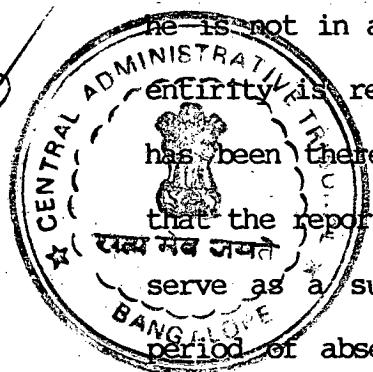
to perform his duties whatsoever. In that situation the applicant applied for pension on the score of permanent disability. That humane request has since been turned down by the Director General in July 1993 as by Annexure A-4.

4. It seems to us the department is insisting on its pound of flesh by seeking to whiter down the rules in computing the years of service regarding a disabled officer that would enable him to qualify for invalid pension.

5. We are now told by the learned Standing Counsel that so far the department has not terminated the applicant's services by issuing any formal order either on the ground of disability or on the ground of continuous absenting from work. Therefore, the position is the applicant's husband who is of course not doing any work is still continuing in service. Under the circumstances the department should identify and ascertain what position he occupies in the cadre and regulate his service in accordance with law.

6. Even otherwise it seems to us that now that there is a request for grant of invalid pension by the applicant supported by a report of the medical board constituted by the department itself under Annexure A-6 mentioning very clearly that the disability from which the officer suffers is a long standing one and

he is not in a position to work in future, if the report in its entirety is read it makes it clear that the disability to work has been there from a very very long time. It appears to us that the report of the Medical Board at Annexure A-6 would itself serve as a suitable medical certificate that would enable the period of absence from 1973 to 1976 to be treated as being on



leave. Even otherwise another option open to the department is to terminate the officer's service as medically disabled, based on the report of the medical board at Annexure A-6. Such termination can go back to 12.4.1989 and at the same time treating the interrughnum between the date of report at Annexure A-6 and the actual date of termination of the services of the applicant as EOL on medical grounds which could in turn be reckoned as qualifying service vis-a-vis Rule 21 of the Pension Rules, so that the officer can earn invalid pension.

7. We therefore direct the department to consider the entire case having regard to all the aspects discussed above and pass appropriate orders. We, therefore, quash the order Annexure A-4 and direct the department to pass appropriate orders de novo. The department will do the needful within three months from the date of receipt of a copy of this order.

Sd-

MEMBER [A]

bsv

Sd-

VICE-CHAIRMAN

TRUE COPY

Sc. Secretary
SECTION OFFICER 1012
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDRESS: 11, BURMAN
DHAKA-1000

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Miscellaneous Appln.no.224 of 1994. in Dated: 26 MAY 1994

APPLICATION NO(s) 789 of 1993.

APPLICANTS:

Smt.G.S.Shakunthala
TO.

RESPONDENTS:

v/s. Secretary,M/o.Steel & Mines,NDelhi
and Others.

1. Sri.K.Sridhara,Advocate,No.730,
Sixth Main,Srinagar,Bangalore-50.
2. The Director,Airborne Mineral Surveys and
Exploration Wing,Geological Survey of India,
No.2, Church Street,Bangalore-1.
3. Sri.M.S.Padmarajaiah,Sr.C.G.S.C.,
High Court Bldg,Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal,Bangalore.

-XXX-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 20-05-1994.

Of for *S. Sridhara*
C DEPUTY REGISTRAR
JUDICIAL BRANCHES.
Served by *gm*
gm

D. G. S. Shakuntala vs. Secretary M/s. Steel & Mines, Noth & Ors

Date

Office Notes

Orders of Tribunal

VC/ VRMA

May 20, 1994.

Order on MA 224/94

Heard the learned Standing Counsel. This is an application for extension of time. In the circumstances of this case I direct further extension of time by another three months from this day.

No further extension of time.

Sd/-

M (A)

sd/-
VR
VC

TRUE COPY

S. R. Shoumar
SECTION OFFICER 201
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

