

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No. 569/92 : Date of order 20.5.94
(OA No. 573/88)

Tikam Chand : Applicant

v/s

Union of India & Others : Respondents

Mr. J.K. Kaushik : Counsel for the applicant

Mr. Manish Bhandari : Counsel for the respondents

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Hon'ble Mr. Justice D.L. Mehta, (Vice-Chairman)

Hon'ble Mr. P.P. Srivastava, Member (A)

PER HON'BLE MR. JUSTICE D.L. MEHTA, (VICE-CHAIRMAN)

Heard the learned counsel for the parties. The applicant remained absent for 89 days is an admitted case of both the parties. The applicant was charged that why he remained absent for 89 days without submitting application of leave. The applicant was examined in the enquiry and he submitted that he has not submitted any application and admitted that he remained absent because he was sick and he got treatment from a private doctor and submitted the certificate to the Railway Doctor when he resumed duty. The certificate was for obtaining a fitness certificate.

2. The certificate or the copy of the certificate or any medical bill had not been produced during the enquiry. It is the admitted position that the applicant was posted at Ajmer and there is a big Railway Hospital. Why the applicant preferred to get the treatment from the private doctor is not clear. Apart from that if the correctness has to be assessed then the question of prescription and purchase bill of medicines will also arises. No purchase bill of medicines or prescription has been produced by the applicant during the enquiry. The mere submission that he produced before the Railway Doctor the certificate of fitness of a private doctor is not sufficient. The certificate of fitness and certificate of treatment are different. They cannot be considered as the same. Mr. Kaushik also submits that his client has been punished in a way which

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can be excessive, improper and arbitrary.

3. In the instant case, it is a case of wilfull absence and unauthorised absence. We feel that the facts stated while during the course of the enquiry were not correct. We do not find force in this OA. We cannot substitute the punishment. OA is dismissed. No order as to costs.


(P.P. SRIVASTAVA)

Member (A)


(D.L. MEHTA)
Vice-Chairman