

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 881/92

Date of decision: 18.10.94

SURESH CHAND

: Applicant.

VERSUS

UNION OF INDIA & ANR : Respondents.

Mr. P.D. Khanna : Counsel for the applicant.

Mr. U.D. Sharma : Counsel for the respondents.

CORAM:

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

Hon'ble Mr. N.K. Verma, Administrative Member

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

Heard the learned counsel for the parties.

2. The applicant was charge-sheeted vide Annexure A-4, dated 4.6.87 for his wilful absence from 17.3.87 to 5.5.87. Applicant has invited our attention to various medical certificates including the certificate enclosed with Annexure A-8, which is a relevant certificate in which Dr. Ashok Kumar has certified that the applicant was suffering from Anxiety Depression and he remained under treatment with him for 47 days. He was allowed to join thereafter on duty. At various intervals, the applicant has suffered the depression, Reactive depression, anxiety depression and other diseases.

3. We would not like to observe anything at this stage. We will direct the Appellate Authority to reconsider the matter in the light of the certificates submitted by the applicant afresh and pass the order according to the rules. Deputy CME is directed to dispose of the appeal of the applicant within a period of three months from the date of the receipt of the copy of this order. The order of the Appellate Authority dated 24.3.88 (Annexure A-2) is set aside. The Appellate Authority shall pass a speaking order if the appeal is rejected stating the ground for not relying <sup>on</sup> the medical certificates or fitness certificate issued from time to

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time and to consider about the nature of the disease and other allied treatments. Applicant can file the prescription slips and the medical bills if not filed so far. The learned counsel for the applicant submits that he should be given a liberty to file the application afresh if any adverse order is passed. This right is available always without saying and no order is necessary.

4. The Q.A. is disposed of accordingly, with no order as to costs.

*N.K.Verma*  
( N.K. VERMA )  
Administrative Member

*D.L.Mehta*  
( D.L. MEHTA )  
Vice-Chairman