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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 892/92

Date of decision: 25.3.94

PRAKASH SINGH

: Applicant.

VERSUS

UNION OF INDIA & OPS

: Respondents.

None present on behalf of any of the parties.

CORAM:

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

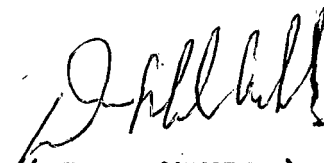
PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

The applicant was in the employment of the respondents and posted at Sujangarh. Applicant's contention is that in the year 1979, he suffered the psychosis disease and lost his memory and left Sujangarh for unknown destination. During the intervening period, prayer was made by the wife to grant family pension. However, that cannot be accepted as before seven years, presumption of death cannot be drawn. The applicant was identified by some persons and he was brought home in the mentally retarded condition and he could not identify his family members also. His wife submitted the application alongwith medical certificate and informed the authorities that the applicant has been hospitalised for treatment. The department wanted the medical report which was also submitted, according to the applicant, by the wife. The department directed the applicant to be present himself before the concerned officer. The applicant presented himself on 15.4.93 for his identification. It was submitted that the applicant is still not in a perfect state of mind and, thus, his case before the department is pursued by his elder son. The applicant attained the age of superannuation in 1990 and the case of the applicant is that he has completed 20 years of service.

2. The respondents have been served but none puts appearance on behalf of the respondents in spite of service. Thus the submissions made by the applicant in the application

remains unrebuted. The period from 1979 onwards should be counted as medical leave if the applicant is entitled for the same, otherwise it should be counted as extra-ordinary leave. Necessary orders should be passed by the respondents within a period of two months and if the applicant is entitled for pension or other benefits, the same should be extended to him or his heirs, if he is not mentally fit upto this stage.

3. The O.A. is disposed of accordingly, with no order as to costs.


(D.L. MEHTA)
Vice-Chairman