

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

199

O.A. No. 77/2002
T.A. No.

HT/RT

See order 16/2

May 2012
See order 16/2

V.C.

DATE OF DECISION _____

Arjunlal Meena

Petitioner

Mr. P. N. Jatti

Advocate for the Petitioner (s)

Versus

UDI and two others.

Respondent

Mr. N.C. Goyal

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

The Hon'ble Mr. H.O.Gupta, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(H.O.Gupta)
Administrative Member.

(G.L.Gupta)
Vice Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR.

D.A. No. 77/2002

Date of decision: 17.2.03

Arjunlal Meena
S/o Bhagirath Lal
c/o Bhagwan Sahai Meena
P.L. 31, Meena Colony,
Gangapole Gate,
Jaipur. : Applicant

rep. by Mr. P.N. Jatti : Counsel for the applicant.

-versus-

1. The Union of India through the Secretary, to the Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, M. Dm. Sastri Nagar, Jaipur- 16 : Respondents.

rep. by Mr. N.C. Goyal : Counsel for the respondents.

CORAM : The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

The Hon'ble Mr. H.O.Gupta, Administrative Member.

ORDER

Per Mr. Justice G.L.Gupta:

The applicant is employed in the office of the Superintendent of Post Offices, 'M' Division, Jaipur. He was directed vide memorandum dated 15.1.2001, to undergo training at PTC Saharanpur from 22.1.2001 to 27.1.2001, and



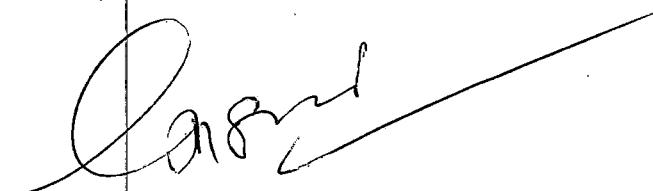
he was relieved on 19.1.2001. He had also been paid T.A. advance of Rs.1000/- He, however, did not join the training Course at PTC Saharanpur on 22.1.2001. Instead he submitted medical certificate for three days leave on medical grounds and further certificate for three more days leave on medical grounds with effect from 24.1.2001. He joined duty back on 30.1.2001 in his office. Since he did not join the training course, the competent authority treated the period of absence from 22.1.2001 to 29.1.2001 as 'dies-non' vide order dated 29.3.2001. The applicant preferred an appeal against the said order, before the Chief Post Master General, Rajasthan Circle, who vide order dated 11.12.2001, rejected his appeal. Hence this O.A.

2. The case for the applicant is that he could not undergo the training at Saharanpur because of his illness for which he submitted sick certificates. It is stated that the applicant was prevented ~~by~~ sufficient case from joining the training course.

3. In the counter the respondents' case is that the applicant has not submitted supporting documents showing his intention to proceed to Saharanpur, such as Railway Reservation ticket, cancellation ticket, medical prescription etc. It is stated that the applicant had proceeded to his village instead of proceeding to Saharanpur for joining the training course.

4. In the rejoinder, the applicant has reiterated the facts stated in the O.A.

5. We have heard the learned counsel for the parties and perused the papers on record.



6. It is not in dispute that the applicant had submitted sick certificates which had been issued by the Medical Officer of the Government Hospital Dausa, and Vaidya of Government Aushadalya, Tunga. In the certificates it was stated that the applicant was sick.

7. It is not the case for the respondents that on inquiry they found the sick certificates produced by the applicant not genuine. It is also not the case for the respondents that the certificates were issued by incompetent authorities. The respondents have not accepted the plea of the applicant on the ground that he has not produced the documents showing his intention to proceed to Saharanpur.

8. When the applicant has produced sick certificates issued by the Government Doctor/Vaidya and when they have not been found to be fake, there should not have been any cause to insist the applicant to produce medical prescriptions.

The applicant's version of illness also could not be rejected on the ground that medical reimbursement was not claimed. Medical reimbursement is a facility extended to the employees. It is for the employees to avail the same or not. It is not uncommon that sometimes not very costly medicines are prescribed but only rest cures the patient. Therefore, not claiming the reimbursement could not be considered as a circumstance against the applicant.

9. So also, on the ground that reservation/ cancellation tickets have not been produced, no adverse



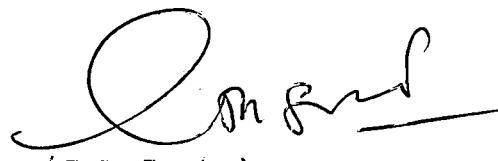
inference ought to have been drawn against the applicant. It is not necessary that an employee should undertake journey by reserved tickets. It is not uncommon that many a times people travel in trains without reservation.

10. When it is not in dispute that the applicant had submitted sick certificates obtained from the Government Doctor/Vaidya as required under the rules, there could not be any justification to treat the period of absence as ' dies non '. As matter of fact the applicant was not in a position to reach Saharanpur for training due to illness. The absence from training course cannot be said to be deliberate. The order passed by the Superintendent of Post Offices, and the Chief Post Master General are not sustainable in law and are liable to be quashed.

11. Consequently, this O.A is allowed. The orders impugned in this O.A are hereby quashed. The competent authority is directed to pass appropriate order on the leave application of the applicant within one month from the date of communication of this order.

12. No order as to costs.


(H.O.Gupta)
Administrative Member


(G.L.Gupta)
Vice Chairman.

jsv.