

14

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::GUWAHATI-5.

O.A.No. 109 of 1994.

DATE OF DECISION.....28.4.1998.

!! Sri Amarendra Nath Sarma

(PETITIONER(S))

Sri N. Dhar

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

~~Sri~~ Union of India & Ors.

RESPONDENT(S)

Sri B.K.Sharma,Railway counsel

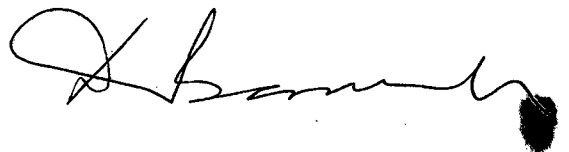
ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 109 of 1994.

Date of Order : This the 28th Day of April, 1998.

Justice Shri D.N.Baruah, Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

Sri Amarendra Nath Sarma,  
Ex-Khalasi,  
Office of the Divisional Signal &  
Telecom Engineer (MW),  
N.F.Railway, Maligaon,  
Guwahati-11.

.. . Applicant.

By Advocate Shri N.Dhar.

- Versus -

1. Union of India  
represented by the General Manager(P)  
Maligaon, Guwahati-11.

2. The Divisional Signal & Telecom  
Engineer (Microwave),  
N.F.Railway, Maligaon,  
Guwahati-11.

. . . Respondents.

By Advocate Shri B.K.Sharma,  
Railway standing counsel.

O R D E R

BARUAH J.(V.C)

This application has been filed against the Annexure 6 order dated 15.9.1992 whereby the applicant was removed from service because of unauthorised absence for a long period from 7.3.1984 to 9.12.1991 and also Annexure-10 dated 15.10.1993 affirming the action of the disciplinary authority. The contention of the applicant was that during that period he was mentally sick and undergoing treatment at Lokpriya Gopinath Bordoloi Institute of Mental Health, Tezpur, Assam. However, regarding his receiving treatment in the aforesaid Hospital there is no evidence for the



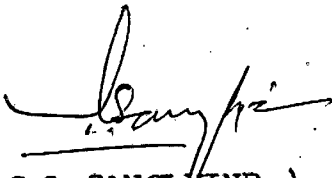
said period. No documents has been produced in support of the contention. The application was admitted and in due course the respondents entered appearance and filed written statement. In the written statement the respondents have denied the averments made to the effect that he was suffering from mental sickness during the aforesaid period and received treatment. When the matter came up for hearing on 29.9.1997, Mr N.Dhar, learned counsel appearing on behalf of the applicant submitted that the applicant was suffering from mental sickness during the period of his absence which was however disputed by Mr B.K.Sharma, learned Railway standing counsel. Situated thus for the ends of justice we directed the Superintendent of the aforesaid Hospital to cause production of the relevant Register to show whether during that period the applicant received treatment in the said Hospital. Today, Dr Bhaskar Sarma Neog has appeared on behalf of the Superintendent and produced a Register for the year 1984. Dr Sarma further informed this Tribunal that during the aforesaid period there is no entry in the records that the applicant received treatment in the Hospital. The Register does not indicate that he received treatment during the period from 1984 to 1991 except on 20.11.1991 when he received treatment as outdoor patient. However, the record also does not show what was the diagnosis. However, in the application a certificate was enclosed which shows that he was treated as an outdoor patient on 7.3.1984 only. In the absence of any evidence whether the applicant was actually suffering from mental sickness it is difficult for this Tribunal to interfere with the impugned order and therefore we cannot entertain this application. However, from the Annexure-2 certificate it appears that he was




suffering from mental sickness. This has been confirmed by Dr Sarma, who is present before us.

In view of the above we feel that the authority may consider the case if any representation is filed by the applicant. Accordingly the applicant is directed to file a representation to the authority and the competent authority is also directed to sympathetically consider the case of the applicant, if such representation is filed.

Application is accordingly disposed of. No order as to costs.

  
( G.L.SANGLAYINE )  
ADMINISTRATIVE MEMBER

  
( D.N.BARUAH )  
VICE CHAIRMAN