

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00111/2016

DATED THIS THE 04TH DAY OF JANUARY, 2018

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI K. N. SHRIVASTAVA, MEMBER (A)

Smt. Ramani Krishnan,
D/o K. Krishnan,
Aged about 54 years,
Working as Senior Social Security Assistant,
Sub-Regional Office,
Bommasandra, Bengaluru – 560 099.
R/o No. 43/44, 8th Cross,
Markhan Road, Ashoknagar,
Bengaluru – 560 025.

.....Applicant

(By Advocate Shri Shambashivam)

Vs.

1. The Regional Provident Fund
Commissioner – I,
Regional Office,
No. S (1) (F), 1st Cross,
1st Stage, Peenya, Bengaluru – 560 058.

2. The Additional Central Provident
Fund Commissioner (Karnataka & Goa),
“Kaveri” Bhavishya, Bangalore – 560 013.

....Respondents

(By Shri G. Mallikarjunappa, Counsel for the Respondents)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

We heard this matter. Apparently both sides have marked 29 documents some of which are medical certificate and leave applications. Apparently for some reason or other the respondents have not considered this leave application but then apparently not believing that the applicant was unwell directed her to appear before a medical board. Now the case of the applicant

is that she did not get that notice because it was addressed to the official address whereas she also had her acknowledged residential address also with the respondents. Now the ground taken by the applicant is that had she known about it probably she would have attended the medical board. Going by the nature of the illness, as proclaimed by the applicant, it is possible for the medical examination to find out whether at that point of time she could have suffered from that illness. Therefore we had discussed the matter with both the learned counsels and they are also in agreement that if the matter is remitted back to the respondents they will be able to do the needful. For this, in consultation with the learned counsel we had suggested that the same government hospital Bowring and Lady Curzon Hospital at Bangalore through its Medical Superintendent may constitute a medical board to re-examine the applicant once again and give a report to the respondents. If this report is favourable to the applicant then the respondents will pass appropriate orders in accordance with it. Otherwise they may reject the case of the applicant. To facilitate this, all the orders passed by the Appellate Authority and Disciplinary Authority are set aside for the time being. But then if the medical report is against her then the same punishment as it was will be freshly imposed on her by the concerned Disciplinary Authority.

2. The OA is disposed off as above. No order as to costs.

(K. N. SHRIVASTAVA)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/00111/2016

Annexure A-1: Copy of Charge Memo No. KN/CKR/SRO/ADM/309/2012-13 dated 18.01.2013

Annexure A-2: Copy of the reply submitted by the applicant dated 13.03.2014

Annexure A-3: Copy of the report of the Enquiry Officer dated 23.10.2014

Annexure A-4: Copy of the Office Memorandum No. KN/PF/RO/PY/VIG/2014-15/196 dated 30.10.2014

Annexure A-5: Copy of submission of reply by the applicant dated 21.11.2014.

Annexure A-6: Copy of the order Disciplinary Authority imposing punishment dated 25.03.2015

Annexure A-7: Copy of the appeal filed before the Appellate Authority on 20.04.2015

Annexure A-8: Copy of the order dated 03.08.2015 dismissing the appeal of the applicant.

Annexures with reply statement:

Annexure R1: Copy of application of leave on medical ground submitted by the applicant from 03.10.2012 to 12.10.2012

Annexure R2: Copy of Medical certificate for Non-Gazetted Officers of the applicant dated 03.10.2012.

Annexure R3: Copy of application of leave on medical ground submitted by the applicant from 13.10.2012 to 13.11.2012

Annexure R4: Copy of Medical certificate for Non-Gazetted Officers of the applicant dated 12.10.2012.

Annexure R5: Copy of letter from the hospital in Chikkamagaluru intimating the applicant to appear for the medical examination

Annexure R6: Copy of letter from the hospital in Chikkamagaluru intimating the applicant to appear for the medical examination dated 28.12.2012

Annexure R7: Copy of EPFO Letter addressed to the applicant regarding examination of physical fitness of the applicant.

Annexure R8: Copy of postal receipt of acknowledgement of the applicant.

Annexure R9: Copy of representation of the applicant dated 02.01.2013

Annexure R10: Copy of National Commission for Scheduled Castes letter No.40/01/2013-Ru dated 04.01.2013

Annexure R11: Copy of statement of account of the applicant in State Bank of India Page No. 3

Annexure R12: Copy of statement of account of the applicant in State Bank of India Page No. 4
