

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Monday 26th day of November Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/1134/2016

A. Francinal, aged about 29 years,
Sub-Postmaster,
Irungalur P.O.,
Trichy District- 621 105..

....Applicant

(By Advocate: Mr. G. Palani)

Versus

1. The Union of India Rep. by
The Post Master General,
Department of Posts,
Central Region,
Trichirappalli- 620 001;
2. The Superintendent of Post Offices,
Srirangam Division,
Srirangam- 620 006
Trichirappalli District.

...Respondents

(By Advocate: Mr. J. Vasu)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. The applicant has filed this O.A seeking the following relief:-

"to call for the original records pertaining to the impugned order No. B1/PF/AF at Srirangam- 620 006 dated 01.04.2016 and quash the same and to direct the respondents to treat the applicant's leave period from 26.03.2016 on medical grounds till she is declared medically fit ."

2. It is submitted that the applicant was suffering from an Orthopaedic disease viz., Prolapse intervertebral disc L5 S1 with Right Sciatica from the year 2014 and had been taking treatment at MIOT Hospital at Chennai. She was also receiving continuous treatment with an Orthopaedical Surgeon at Trichirappalli. Accordingly, she was unable to attend duty for various periods for which she applied for medical leave. However, the respondents referring to her representation dated 26.3.2016, passed Annexure-I order dated 01.04.2016 whereby the leave requested by her for 20 days from 26.3.2016 was not granted. No reason was given for rejection of her request for leave inspite of her medical condition.

3. The applicant was referred to a medical board, which recommended regularization of absence with medical leave for the period 15.05.2016 to 24.06.2016. The applicant was directed to appear again before the Medical Board on 07.07.2016. The applicant appeared before the Medical Board and she was directed to appear on 15.07.2016. The medical board issued a

certificate of fitness to the applicant to resume duty with effect from 16.07.2016. As such, the applicant was entitled to be granted leave till such date, it is pleaded.

4. The respondents have filed reply stating that the applicant had been a habitual absentee and her absence from duty was unauthorized. Following the recommendation of the medical board, her absence from duty from 15.5.2016 to 24.6.2016 was regularized in terms of eligible leave. However, the applicant inspite of being advised to appear before the medical board on 07.07.2016, appeared only on 08.07.2016 and, thereafter, she was first directed to appear on 09.07.2016 and subsequently on 15.7.2016. The medical board certified her fit to resume duty with effect from 16.7.2016 and yet, the applicant failed to join duty thereafter. In such circumstances, it was clear that the absence from duty was wilful and without justification. Therefore, the applicant is not entitled to the relief sought, it is contended.

5. I have considered the pleadings and submission made by rival counsel. It is not in dispute that although the respondents rejected the request for leave of the applicant by a communication dated 1.4.2016, subsequently, following the recommendation by the medical board, her absence from duty had been regularized upto 24.06.2016. Since the medical board declared her fit to resume duty only with effect from 16.07.2016, I am of the view that she could be granted appropriate leave up to 15.07.2016. The respondents have also submitted in their reply that if the applicant had any grievance over the act of second respondent, she should have preferred an

appeal to the first respondent and waited for his reply. Accordingly, this OA is premature.

6. Keeping in view the above, the respondents are directed to consider the period of absence from duty of the applicant in terms of the medical certificates and certificate of fitness issued by the competent medical board and the developments thereafter and pass a reasoned and speaking order in accordance with rules and the facts of the case within a period of two months from the date of receipt of a copy of this order. The OA is disposed of accordingly. No costs.

(R. RAMANUJAM)
MEMBER (A)

26.11.2018

Asvs.