

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA 643/2019

Dated Friday, the 3rd day of May, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr. P. Madhavan, Judicial Member

R. Natramizhselvam
No. 15, West Street
Mangalam & Post
Puducherry – 605 110.

... Applicant

By Advocate M/s.M. Gnanasekar

Vs.

1. The District Election Officer cum
Returning Officer
O/o. the District Election Officer
Puducherry – 605 003.

2. The Chief Electoral Officer
O/o. the Chief Electoral Officer
Puducherry – 605 003. ... Respondents

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs:

- "i. To set aside the order No. 1-2/DEO/PP/GELS-2019/493 dated 24.04.2019 passed by the 1st respondent and consequently directing the 1st respondent to reinstate the applicant in service in continuity of service
- ii. To pass such further orders"

2. The grievance of the applicant is that he had been placed under suspension with immediate effect by an order of the first respondent dated 24.04.2019 for alleged evasion of election duty on the basis of a minor and manageable health condition.

3. Learned counsel for the applicant would allege that the applicant had been sincerely attending to election duty. The applicant's father died in an accident on 07.04.2019 in JIPMER due to a blood clot in his brain. The applicant, inspite of his un-controllable grief and rituals that required to be performed, moved to Yanam for election duty. However, as he had to be on fast in accordance with the Hindu tradition and customs, the travel caused him 'dysentery' on 14.04.2019 which continued for 4 days.

4. The condition of the applicant was severe and uncontrollable that he had to be admitted in a hospital and treated for the same. He was informed by the Deputy Tahsildar that his duty to Yanam was cancelled and he could go home with his relatives. However, as the respondents

were suspicious about his bonafides, he subjected himself to a medical examination before the Resident Medical Officer on 22.04.2019 who after examination informed him that he would send the medical report on the same day. However, the impugned order dated 24.04.2019 came to be issued inspite of the said background of the case.

5. Learned counsel for the applicant would submit that the impugned order was arbitrary and high handed having been issued without due consideration of the circumstances of the applicant. Accordingly it is urged that the same be set aside straightaway.

6. We have considered the matter. It is not in dispute that the applicant was put on election duty and the impugned order has been made on the charges of 'misdemeanour' which allegedly resulted in disruption of journey to duty point by other officials. The impugned order states that the applicant had not reported for medical examination before the RMO till the evening hours of 23.04.2019. On the other hand the applicant contends that he had appeared before the RMO on 22.04.2019 at 9.00 clock and he was directed to appear again on 23.04.2019. He was examined medically by the Doctor who told him that he would send his medical report on the same day.

7. In the above facts and circumstances, we are of the view that the OA does not warrant our interference at this stage except for a limited relief to the extent of directing the District Election Officer who passed the impugned order to verify the facts as alleged by the applicant in his Annexure A7 representation dated Nil. We accordingly deem it

appropriate to direct the first respondent to consider Annexure A7 representation of the applicant, if received in his office, ascertain the facts alleged therein and pass a reasoned and speaking order with regard to the need to continue him under suspension in terms of Annexure A6 impugned order within a period of one week.

8. OA is disposed of as above. No costs.

(P. MADHAVAN)
Member (J)

AS

03.05.2019

(R.RAMANUJAM)
Member (A)