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Central Administrative Tribunal, Principal Bench

Original Application No.586 of 2003

New Delhi, this the 17th day of March, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Wilson Bara No.474/Comn.
s/o Shri Gabreil Bara,
r/o House No.120/2 Mehrauli,
New Delhi-30

.... Applicant

(By Advocate: Shri T.P.S. Rathore)

Versus

1. Commissioner of Police,
Police Head Quarter, IP Estate,
New Delhi.
2. Addl. Commissioner of Police,
P.C.R. & Communication,
Delhi.
3. Dy. Commissioner of Police,
(Communication)
Delhi

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant was a Head Constable in Delhi Police. He has been dismissed from service and his appeal in this regard has also failed.

2. The charge was framed against the applicant with respect to absence from duty for more than five months at a time. In addition to that, the charge contained his past absence from duty on 16 occasions which reads as under:

"Sl. Absented for the period No.	Decided
1. 02 days absent w.e.f. 14.02.1993	C.L.
2. 03 days absent w.e.f. 21.8.1995	E.L.
3. 30 days absent w.e.f. 09.12.1995	E.L.
4. 38 days absent w.e.f. 07.4.1996	L.W.P.
5. 21 days absent w.e.f. 25.11.1996	E.L.&Ctd. Leave
6. 10 days absent w.e.f. 02.11.1996	EOL on M.C.
7. 52 days absent w.e.f. 11.01.1997	L.W.P.
8. 33 days absent w.e.f. 22.6.1997	HPL, EOL & EL
9. 46 days absent w.e.f. 21.8.1997	L.W.P.

B.Ag

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|-----|----------------------------------|---|
| 10. | 20 days absent w.e.f. 07.7.1998 | L.W.P. |
| 11. | 12 days absent w.e.f. 14.5.1998 | EL/HPL &
Censure vide
No.4735-45/
HAP-DCP/Comn.
dt.16.11.1998
Ctd.Leave, EL &
EOL on M.C. |
| 12. | 58 days absent w.e.f. 20.10.1998 | L.W.P. |
| 13. | 28 days absent w.e.f. 05.8.1999 | L.W.P. |
| 14. | 52 days absent w.e.f. 11.9.1999 | L.W.P. |
| 15. | 18 days absent w.e.f. 13.11.1999 | L.W.P. |
| 16. | 21 days absent w.e.f. 14.12.1999 | L.W.P." |

3. The grievance of the applicant is:

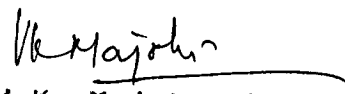
(a) his medical record has not been considered;
and

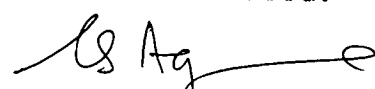
(b) he was suffering from mental depression and,
therefore, he could not attend to the work."

4. Perusal of the record has a different version to state. It reveals that the medical record of the applicant has been considered and the disciplinary authority has given the opinion in this regard to be that the same is forged. It is not shown that ^{finding} it is erroneous. Therefore we are dis-inclined to interfere on that ground.

5. As regards the second plea, the less stated the better would be. The material on record shows that the applicant has been absenting himself for long periods without any sanction of leave. In a disciplined force when it is so, we find no reason to interfere when such an order referred to above, is passed.

6. Resultantly the O.A. fails and is dismissed.


(V.K. Majotra)
Member(A)


(V.S. Aggarwal)
Chairman

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