

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00032/2019

DATED THIS THE 3RD DAY OF OCTOBER, 2019

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

HON'BLE SHRI C.V. SANKAR, MEMBER(A)

Smt. N. Bharathi Kalaimmal,
W/o Shri Ravichandar,
Aged about 50 years,
Occn: Assistant Secretary (Tech),
Central Silk Board, CSB Complex,
BTM Layout, Madivala,
Bengaluru-560 068.Applicant.

(By Advocate Shri P.A. Kulkarni)

V/s.

1. The Union of India,
Represented by its Secretary,
Ministry of Textiles,
Udyog Bhavan,
New Delhi-110 001.
2. Central Silk Board,
Ministry of Textiles,
Government of India,
CSB Complex, BTM Layout,
Madivala, Bengaluru-560 068.
To be represented by its Member Secretary.Respondents.

(By Shri K. Gajendra Vasu Counsel for R-1
Smt K.R. Vanita, Counsel for R-2)

ORDER (ORAL)

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

Heard. The matter is in a very short compass. Apparently, on 15.6.2018 the applicant was transferred to Lucknow in place of Dr. Alka Tiwari and on 19.6.2018 applicant takes 7 days E.L. without medical certificate. But thereafter, it is followed by several spells of leave on medical grounds with medical certificate.

2. Now apparently we examined the medical certificate issued by the Government Hospital, B.B.M.P Dispensary, Madivala, Bengaluru, which is for low Backache and some medical prescriptions are also given. The other medical certificates are much more

explicit. It appears that the medical certificates were not fully accepted by the respondents. But then, the case of the applicant is that vide para 8 of the impugned order, the respondents have said, which we quote:

“8. Smt N. Bharathi Kaliammal, Assistant Secretary (Tech), should note that the above Medical Certificates are not clearly stating how the affliction has caused her to remain absent from duty. From a perusal of the Service Records of Smt N. Bharathi Kaliammal, there is no indication of any serious illness occurring in the past and Smt N. Bharathi Kaliammal has never applied for leave on such grounds.:”

3. But then, under the extant rules, if the medical certificates issued by the Government Doctor, is to be disbelieved for any cogent reason, it is to be stated by the concerned authority and a medical Board should be convened for this purpose, so that re-examinations are to be made, and such having not been made, there may not be anything worth in the contentions of the respondents.
4. Further, we are taken to Annexure-RJ-4, which we quote:

CENTRAL SILK BOARD
MINISTRY OF TEXTILES, GOVERNMENT OF INDIA,
CSB COMPLEX, BTM LAYOUT, MADIVALA,
BENGALURU-560 068.

No.CSB-17(38).88-ES.1 Vol.II

Date 01.07.2019

OFFICE ORDER

Sub: Transfer of Assistant Secretary (Tech) – regarding.

Consequent upon the Policy decision vide letter No. CSB-31/2(Multitasking)/2019-20-RCS dated 14.05.2019 directing the closure of the Regional Office of Central Silk Board at Lucknow and subject to the outcome of the application before Hon'ble CAT Lucknow Bench in OA No.293/2018 Dr. Alka Tiwari, Deputy Secretary (Tech) posted at the erstwhile Regional Office, Central Silk Board at Lucknow is hereby informed that her transfer order vide this Office Order No.CSB-48(22)/2018-ESI dated 15.06.2018 transferring her from the then Regional Office, Lucknow to Central Office, Bangalore in the capacity of Assistant Secretary (Tech) stands cancelled with immediate effect.

This issues with the approval of the Competent Authority.

-sd/-

(JULIAN TOBIAS)
JOINT DIRECTOR (ADMN)

To
Dr. Alka Tiwari,
Deputy Secretary (Tech.)
Through the Scientist-D,
Research Extension Centre,
Central Silk Board,
Basti.”

5. On 01.07.2019 itself there was a direction for closure of Lucknow office. There does not appear to be any valid reason for treating this period as dies-non. The Medical Certificates can be challenged before a Medical Board by the competent authority.
6. OA, therefore allowed. The impugned order is hereby quashed. No costs. The benefits to be extended within the next one month.

(C.V. SANKAR)
MEMBER(A)

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

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Annexures referred to by the Applicant in OA.No.32/2019

Annexure A-1: Office order dated 15.6.2018.
Annexure A-2: Memo dated 6.9.2018.
Annexure A-3: Letter dated 2.8.2018.
Annexure A-4: Letter dated 5.10.2018 submitted by the applicant on return from medical leave
Annexure A-5: Impugned order dated 3.1.2019 issued by R-2.

Annexures referred to by the Respondents in the Reply

Annexure R-1: Copy of intimation letter dated 02.08.2018.
Annexure R-2: Copy of intimation letter dated 01.10.2018.
Annexure R-3: Copy of Central Silk Board Memorandum dated 06.09.2018.
Annexure R-4: Copy of Show cause Notice dated 03.01.2019.

Annexures referred to in the Rejoinder

Annexure RJ-1: Charge report dated 18.6.2018.
Annexure RJ-2: Applicant's letter dated 18.6.2018 seeking grant of transfer TA advance.
Annexure RJ-3: Applicant's letter dated 26.6.2018 addressed to Regional Office Lucknow received by them on 2.7.2018.
Annexure RJ-4: Office order dated 1.7.2019.
Annexure RJ-5: Another Office order dated 1.7.2019.
Annexure RJ-6: Medical prescriptions issued by the Medical Authority.
Annexure RJ-7: E-mail dated 10.09.2018 sent by the Board to the applicant.
Annexure RJ-8: Applicant's return e-mail dated 11.09.2018.
Annexure RJ-9: Applicant's next e-mail dated 12.09.2018.

