

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1815/2002

Wednesday, this the 17th day of July, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble S.A.T. Rizvi, Member (A)

Rajeev Verma,
C/o Late Shri Surinder Singh,
Qtr. No. 412, Delhi Police Colony,
Gomukh Appartment
Kaushambi, Ghaziabad (P)

(By Advocate : Shri Sachin Chauhan)

...Applicant

Versus

Union of India through

1. Ministry of Home Affairs,
North Block,
New Delhi
2. Special Commissioner of Police,
Intelligence Delhi
3. Dy. Commissioner of Police,
Special Branch, New Delhi

... Respondents

O R D E R (ORAL)

By S.A.T. Rizvi, Member (A):

MA No.1454/2002 for condonation of delay is allowed.

2. By an order passed by the disciplinary authority on 13.2.2001 (A-1), a penalty of forfeiture of 4 years approved service permanently has been imposed on the applicant for a period of four years. When carried in appeal, the aforesaid penalty has been up-held by the appellate authority by his order dated 26.5.2001. The aforesaid orders are impugned in the present OA.

3. The learned counsel appearing on behalf of the applicant has raised the issue of non-issuance of a

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disagreement note by the disciplinary authority even while he dis-agreed with the findings recorded by the inquiring authority. He has also raised the issue of non-availability of sufficient evidence to establish the charge.

4. We have considered the submissions made by the learned counsel and have also perused the report of the inquiring authority as well as the orders passed by the disciplinary authority and the appellate authority.

5. Insofar as the issue of non-issuance of disagreement note is concerned, the disciplinary authority has, in his aforesaid order, stated as under:

"xxxx, I have no hesitation in arriving at the conclusion that the findings of the E.O. are apt and commensurate with the rules."

From the aforesaid statement contained in the disciplinary authority's order, it is clear to us that instead of disagreeing with the findings arrived at by the inquiring authority, the disciplinary authority has, in fact, agreed with the same. We are fortified in our above view by what the disciplinary authority has mentioned in the same order in the following terms:-

"xxxx Agreeing with the findings of the Enquiry Officer, one copy of the findings was served upon the default HC on 26.12.2000 affording him an opportunity to represent xxxx"

In the circumstances, no occasion arose for the disciplinary authority to issue a note of disagreement.

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The corresponding plea raised by the learned counsel thus stands negatived.

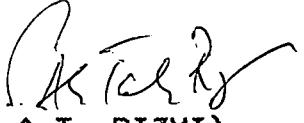
6. In relation to the contention that sufficient evidence is not available to sustain the charge of applicant's engagement in a part-time private job, after noting that this Tribunal is not expected to evaluate and reappraise the evidence on record so as to substitute the findings of the inquiring authority with its own findings, we would like to observe that from the report of the inquiring authority, it is abundantly clear that the applicant worked for PW-1 and received payment as compensation for the work done. Nothing more is required to sustain the charge of part-time work with a private employer. In the circumstances, the second contention raised by the learned counsel is also found by us to be unsustainable in law and in fact.

7. A perusal of the order passed by the aforesaid authorities together with the report of the inquiring authority reveals to us that the proceedings have been conducted properly and according to rules after affording a reasonable opportunity to the applicant to defend his case. There is no whisper of perversity in the findings recorded by the inquiring authority nor in the orders passed by the disciplinary and appellate authorities. There is no whisper of any malafide either. The orders passed by the disciplinary and appellate authorities are reasoned and speaking orders. In the circumstances, we find no ground to interfere with the aforesaid orders.)

JW

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8. In the light of the forgoing, the OA is found to be devoid of merit and is dismissed in limine.


(S.A.T. RIZVI)

Member (A)

/pkr/


(MRS. LAKSHMI SWAMINATHAN)

Vice Chairman (J)