

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1668/2001

New Delhi this the 11th day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI M.P.SINGH, MEMBER (A)

Shri Baldev Raj Dhamija Ex-Auditor
A/c No.8312791
R/o C/o Shri Arun Kumar Vidyarthi KG-I-185
Vikas Puri
New Delhi. Applicant

(By Shri V.P.S.Tyagi, Advocate)

-versus-

1. Union of India (Through Secretary)
Ministry of Defence, New Delhi.
2. The Controller General of Defence Accounts
West Block-V, R. K. Puram
New Delhi.
3. The Principal C.D.A. Western Command
Chandigarh. Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

Applicant had earlier instituted OA No.775/1999 impugning an order of penalty of removal from service passed by the disciplinary authority on 17.1.1990 and the one passed by the appellate authority on 26.2.1999 affirming the aforesaid order of the disciplinary authority on the charge of being unauthorisedly absent from duty for the period 11.2.1987 to 9.3.1989. Aforesaid OA was disposed of by this Tribunal by an order passed on 7.3.2001 by concluding as under:-

"This is not a case of no evidence, or of the findings being perverse, or indeed of the impugned order being passed by an authority not competent to do so, so as to warrant judicial intervention. However, nothing

contained in this order will restrain respondents from themselves considering any prayer applicant may make for sympathetic consideration of his case were he to make any such prayer."

Applicant has thereafter submitted an application to the respondents on 29.3.2001 with a prayer for reinstating him back in service on sympathetic consideration. By the impugned order passed on 18.6.2001 at Annexure A-1, aforesaid application has been rejected. The same is impugned by the applicant in the present OA.

2. We have heard Shri V.P.S.Tyagi, learned advocate appearing in support of the OA. We find that no justifiable grounds are made ^{but} to interfere with the aforesaid impugned order of 18.6.2001. Though the aforesaid order of 18.6.2001 has been signed by the Senior Accounts Officer (AN), the same indicates that the application of the applicant has been considered by the competent authority and the same has been rejected by him.

3. As far as the order of removal from service is concerned, the same has been maintained by this Tribunal vide its aforesaid order dated 7.3.2001 at Annexure A-7. The Tribunal in the passing merely observed that the dismissal of the OA will not come in the way of the respondents considering the prayer of the applicant for reinstatement on sympathetic consideration. The competent authority has considered the aforesaid claim of the applicant sympathetically and has rejected the same. We do no find any justifiable reason to interfere with the said order.

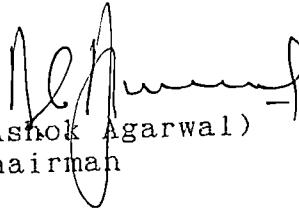
V.P.S.Tyagi

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4. Present OA, in the circumstances, is summarily rejected.


(M.P. Singh)

Member (A)


(Ashok Agarwal)
Chairman

/sns/