

(2)

Central Administrative Tribunal, Principal Bench

Original Application No.2447 of 2001

New Delhi, this the 17th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. M. P. Singh, Member (A)

Bhwaneshwar Arya,  
Son of late Shri Nain Ram Arya  
R/o A-Block 17, Ashram Sheshetar  
Sonia Vihar, New Delhi-94

- Applicant

(By Advocate: Sh. Amit Rathi, proxy for Sh. Devesh Singh)

Versus

1. Union of India, through  
Secretary (Post)  
Ministry of Communications,  
Dak Bhawan, New Delhi

2. Chief Post Master General  
Uttaranchal Circle  
Dehradun-248001

3. Director Postal Services  
Dehradun  
Uttaranchal

4. Senior Superintendent Post Offices  
(Nainital) Kumaon Division  
Uttaranchal

5. Branch Post Master Head Post Office  
Malital, Nainital, Uttaranchal

- Respondents


O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Disciplinary proceedings were initiated against the applicant under the following Articles of Charge:

"Article - One: Shri Bhuvneshwar Arya, Postal Clerk, Tallital, Nainital while working in Incoming Registry, on 11.1.88, he left his work and disappeared from the office, in the afternoon on the same date i.e. 1.11.88 without any information or permission.

Hence, Shri Bhuvneshwar Arya, Postal Clerk is charged for leaving his office in an unauthorized manner from 1.11.88 afternoon and thus he has acted contrary to Rule 152 and 155 of Post and Telegraph Rules, Book Part III and violated Rule 3 (i), (ii) and (iii) of the Central Civil Services (Conduct) Rules, 1964.

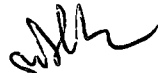


Article - Two: That the worker was given order dated 23.2.88 through registered letter of this office for joining his duties in office immediately and explain his unauthorized absence in the said manner. But the worker was neither available at his given address nor he joined his office.

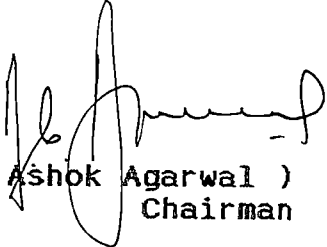
Thus Shri Bhuvneshwar Arya, Postal Clerk is charged for his act of violating Rule 3 (i), (ii) and (iii) of the Central Civil Services (Conduct) Rules, 1964."

2. Enquiry Officer, the record shows, has sent several notices to the applicant to enable him to participate in the enquiry. The same could not be served upon him as he was not available. Enquiry was accordingly conducted ex-parte. Enquiry Officer by his order of 26.7.88 has found the aforesaid charges proved. Based on the enquiry report, the disciplinary authority by his order of 2.8.88, has issued a penalty of removal from service against the applicant. Aforesaid order of the disciplinary authority has not even been annexed in the present proceedings. Appeal filed by the applicant has been dismissed by an order passed on 30.5.2001. Aforesaid order takes into account all the contentions sought to be advanced by and on behalf of the applicant. The same has been disposed of by well reasoned and speaking order.

3. We do not find that the aforesaid disciplinary proceedings suffer from any defect so as to call for interference in the present OA. Present OA, in the circumstances, we find is devoid of merit. The same is accordingly dismissed in limine.

  
( M.P. Singh )  
Member(A)

/dkm/

  
( Ashok Agarwal )  
Chairman