

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3281/2001

Monday, this the 10th day of December, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Ashwini Kumar Bhandari
s/o Shri Jagdish Raj Bhandari
Aged about 49 years, Ex-Head Constable
CBI SIU-XII, CGO Complex, Lodi Road, New Delhi
Resident of
Qr. No.1514,
Sector 3, M.B.Road, Pushp Vihar, N. Delhi
...Applicant
(By Advocate: Shri S.L. Lakhan Pal)

Versus

1. Union of India (Through the
Secretary to the Govt. of India)
Ministry of Home Affairs
Central Secretariat, North Block
New Delhi-1.
2. The Director
Central Bureau of Investigation
CGO Complex, Block No.3
Lodi Road, New Delhi-3.
...Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:-


Heard the learned counsel for the applicant.

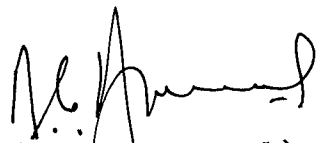
2. On charges confined largely to unauthorized absence followed by disobedience of superior orders and of being found sleeping on the sofa in office in an intoxicating^{-ed} condition, the applicant, Head Constable has been tried departmentally and a penalty of dismissal from service has been imposed by the disciplinary authority's order dated 8.5.2001 (Annexure-A). The aforesaid order has been upheld by the appellate authority in his order dated 12.10.2001 (Annexure A-1). Both these orders have been impugned in the present OA.

3. The learned counsel appearing on behalf of the applicant has attempted to suggest that it is a case of

3

no evidence by referring to the charge of the applicant being found sleeping on the sofa in office in an intoxicated condition. According to him, the key register holds the key to evidence in respect of the aforesaid charge. There is no evidence, according to him, that the applicant obtained the key of the office and opened it. The key register itself which forms the basis of evidence has not been produced. He has nothing to say, however, in respect of the other part of the same charge which shows that he was found sleeping on the sofa set in an intoxicated condition. Mere non-production of key register cannot disprove the charge otherwise well established. Thus, there is nothing in the learned counsel's contention which would make us disbelieve the prosecution's version in regard to the said charge. The learned counsel has not raised any contention in regard to the other charges levelled against the applicant. Nothing has been shown which would make us believe that the procedure laid down for the conduct of disciplinary proceedings has not been followed. Nothing has been shown either to show to us that reasonable opportunity was not given. We are not here to re-appreciate the evidence to substitute the findings arrived at by the inquiry authority by our own and to substitute the decision taken by the disciplinary authority by our own judgement. In the circumstances, we are unable to find any basis in the pleadings placed before us on behalf of the applicant. The applicant, in the circumstances, has no case. The OA is, therefore, dismissed in limine. No costs.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/