

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2780/99

Hon'ble Shri M.P.Singh, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

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New Delhi, this the 20th day of August, 2001

Shri Gopal Krishansharma
the then SPM I.E. Hapur
and then Postal Asstt.
(U/S)Ghaziabad H.O.

.. Applicant

(By Advocate: Shri T.S.Joseph)

Vs.

1. Dy. Sr. Supdt. Post Office
Ghaziabad Division - 20102.
2. The Post Master General
Deharadun Region
Deharadun - 248 001.
3. Director General, Posts
Dak Bhawan
Parliament Street.
New Delhi - 1.
4. The Union of India through
the Secretary, Department
of Post and Telegraph.
New Delhi.

... Respondents

(By Advocate: Shri N.S.Mehta)

O R D E R (Oral)

By Shanker Raju, Member (J):

In the present OA the applicant who has been working as Sub Post Master, Ghaziabad has assailed an order dated 27.2.1997 whereby after following the procedure laid down under Rule 14 of the CCS (CCA) Rules, the applicant was dismissed from service and the appeal preferred was also rejected. The applicant assailed these orders in the present OA.

2. At the outset, after hearing the learned counsel of the applicant, we find that the present case does not fall in the category of 'no evidence' cases. We also find no procedural lacunae apparent on

the face of the record. As such, we are of the confirmed view that the Tribunal has no power to interfere in the matter of disciplinary proceedings in a judicial review to reappraise the evidence as held in Shri Kuldeep Singh Vs. The Commissioner of Police & Ors., JT 1998(8) SC 603 = (1999) 2 SCC 10. The finding of the enquiry officer the order passed by the disciplinary and appellate order are neither perverse nor even after application of the test of common prudent man we are of the view that even a common prudent man would not have taken a view that the applicant is innocent in the episode. Sufficient evidence has been brought on record to indicate that the applicant has been guilty of the charge, and if the case is of some evidence the same would not be interfered with by the Tribunal. In the disciplinary proceedings strict rules of evidence are not applicable but rather preponderance of probability is the rule. On this, we agree with the learned counsel for the respondents, Shri N.S.Mehta.

3. However, we find that an FIR No.129 of 1992 has been registered under Section 409, 420 IPC simultaneously on the same allegation on which a criminal prosecution was also launched which is now pending adjudication before the Munsif Magistrate, Hapur (UP).

4. Having regard to the decision rendered by the Apex Court in Cap. M.Paul Anthony Vs. Bharat Gold Mines Ltd. and Another, (1999) 3 SCC 679 wherein it has been held that in case a judicial verdict is given the finding arrived at by the quasi judicial

authority is to give way and the fact that the criminal trial would take sufficient time to conclude, finding no illegality in the proceedings, we dispose of this OA with the directions that in the event the applicant is acquitted from the criminal charges, he shall be at liberty to make a representation to the respondents who shall consider the same and pass a detailed and speaking order within two months from the date of filing of such representation by the applicant. No costs.

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S. Raju

(SHANKER RAJU)
MEMBER(J)

M.P. Singh
(M.P. SINGH)
MEMBER(A)

/RAO/