

Central Administrative Tribunal: Principal Bench

O.A. No. 551/99

New Delhi this the 13th day of October, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri V.K. Majotra, Member (A)

Ram Asrey,
S/o Shri Bikram,
R/o Village Ambarhai,
New Delhi-45.
(None Present)

-Applicant

Versus

1. The Chief Secretary
Delhi Administration,
Govt. of National Capital Territory
of Delhi, No.5, Sham Nath Marg,
Delhi.

2. The Joint Director (Administration)
Department of Social Welfare,
Govt. of NCT Delhi,
Kasturba Gandhi Marg,
New Delhi.

3. The Director,
Department of Social Welfare,
Govt. of NCT Delhi,
5, Sham Nath Marg, Delhi.

-Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER (Oral)

By Smt. Lakshmi Swaminathan, Member (J)

Neither the applicant nor his counsel is present even on the second call. This case has been listed at Sr. No. 8 in today's cause list under regular matters. It is further noticed that although the case was admitted, the Tribunal by its order dated 5.11.99 had allowed the applicant time to file rejoinder which has also not been done till date. Therefore, we have heard the learned counsel for respondents and perused the material available on record.

2. In the application, the applicant has impugned the order dated 10.11.1997 passed by the respondents, imposing on him the penalty of removal from service and rejection of his appeal by order dated 15.5.98.

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He has taken a number of grounds in the OA which have been controverted by the respondents in their reply. According to the respondents, the aforesaid punishment orders have been passed after holding a departmental proceeding against the applicant. They have also submitted that the same has been done in accordance with the rules and that the Enquiry Officer has not exceeded his jurisdiction. They have also referred to evidence of witnesses and other evidence which are available in the departmental proceedings on the basis of which the impugned penalty orders have been issued. As mentioned above, the applicant has not cared to file any rejoinder.

3. It is relevant to note that in exercise of the power of judicial review, the Tribunal has only to ensure that the proper procedure to afford an opportunity of hearing has been given to the applicant to put forward his case and we are also not supposed to re-appraise the evidence on record to substitute our decision for that of the competent authorities. From the documents on record, it cannot be stated that this is a case of no evidence or that proper procedure has not been followed. Taking into account the nature of the charges levelled against the applicant, it cannot also be stated that the punishment orders passed by the respondents are excessive or disproportionate so as to warrant any interference in the matter. In the Articles of charge, it has been alleged that due to merciless beating by the applicant-Care Taker, one Master Zia-Ul-Haque, got his

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legs fractured for which departmental enquiry proceedings have been held against the applicant and (8) penalty of removal from service imposed.

4. In the facts and circumstances of the case, we find no good grounds to justify interference in the matter to set aside the impugned penalty orders passed by the respondents. Accordingly, the OA is dismissed. No order as to costs.

V.K. Majotra

(V.K. Majotra)
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

cc.