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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1004/99

New Delhi: this the 27th day of September, 2000.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

HON'BLE MR.KULDIP SINGH, MEMBER(J)

Sop Singh,

S/o Sh.Man Singh,

R/o 18/215, Kalyan Puri,

New Delhi

... Applicant.

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India
through
the Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi.

2. The Deputy Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi.

3. The Principal Secretary & Director (Admn),
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi

... Respondents.

(By Advocate: Shri S.K.Anand, Sr.Counsel
with Shri Arun Birbal).

ORDER

Mr.S.R.ADIGE VC(A):

Applicant impugns the charge sheet dated 8.1.97 (Annexure-A6); the Enquiry Officer's report dated 16.9.97 (Annexure-A8); the Disciplinary Authority's order dated 18.11.97 (Annexure-A/1) and the appellate authority's order dated 19.6.98 (Annexure-A2). He seeks reinstatement with consequential benefits.

2. Applicant was chargesheeted on the charge firstly that he had secured employment in respondents' organisation by producing a High School Certificate which was not original, and had been debarred from appearing in the High School Exam. for 3 years as he had

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been ^{caught} cheating. Secondly it was further alleged against him that despite being directed to produce the original High School Exam. Certificate, 1991 for verification vide Memo dated 10.7.97, he had not done so. Thirdly, it was alleged that the Registrar, Madhyamik Board, UP (from whom applicant had produced the certificate) had certified that applicant had appeared in the High School Exam. 1991 and the same had been cancelled.

3. The Enquiry Officer in his report dated 16.9.97 held all the charges as proved.

4. A copy of the E.O's report was furnished to applicant for representation, if any.

5. The Disciplinary Authority impugned order dated 18.11.97 records that applicant did not submit any representation till that date. Accepting the E.O's findings the Disciplinary Authority by impugned order dated 18.11.97 dismissed applicant from service which penalty was upheld vide appellate order dated 19.6.98, giving rise to the present OA.

6. On behalf of the applicant, it has been urged that the relied upon documents were not furnished to applicant despite his prayer, which prejudiced him in the enquiry. It is also contended that it is a case of no evidence. Thirdly it has been urged that applicant was examined before the PWs were called upon to lead evidence. Lastly, it was urged that no personal hearing was given by the appellate Authority.

7. On behalf of respondents Shri Anand Learned Senior counsel has invited our attention to para 2 of applicant's appeal in which he has admitted his misconduct but states it was not intentional. Again in his petition dated 17.9.98 (copy on record) addressed

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to the Chief Election Commissioner, applicant in para 8 thereof has tendered unqualified apology for his lapse and in para 9 thereof states that he alone is responsible for the same.

8. The whole objective of framing the detailed procedure for conducting departmental proceedings as contained in the CCS(CCA) Rules is to ensure that the charged officer gets full opportunity to defend himself in the proceeding. In present case it is clear that applicant has admitted the lapse. In the light of applicant's own admission of the lapse as noticed above, the impugned orders warrant no interference. However, nothing contained in this order will preclude respondents themselves from considering applicant's prayer sympathetically, if they are so disposed to do.

9. With the above observations, the OA is dismissed.
No costs.

Kuldip Singh
(KULDIP SINGH)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

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