

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1535 of 1998

New Delhi, this 13th day of September, 2000

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Smt. Shanta Shastry, Member(A)

Jai Prakash
R/o D-141 New Seelampur
Shahdara
Delhi-110053

... Applicant

(By Ms S. Janani, Advocate - not present)

versus

1. Central Bureau of Investigation
Through Director
CBI Block-4 Lodhi Road
Kendriya Karyalaya Parisar
New Delhi-110003

2. Director
Central Bureau of Investigation
Central Forensic Science Laboratory
CBI Block-4 Lodhi Road
Kendriya Karyalaya Parisar
New Delhi-110003

3. Union of India
Through Secretary
Department of Home
North Block
New Delhi.

... Respondents

(By Shri K.C.D. Gangwani, Advocate)

ORDER(Oral)

By Shri Kuldip Singh, M(J)

None is present on behalf of the applicant. On the last date also none was present for the applicant. Learned counsel for the respondents was present and he is present today also. Since this is a matter of 1998, we have proceeded to disposed of the same on the basis of pleadings available on record.

3. The applicant in this OA has challenged the order dated 27.5.1996 passed by the Director of Central Forensic Science Laboratory, removing him from service.

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3. The applicant has been removed from service after holding an enquiry on the allegation that the applicant who was transferred from Document Division to Chemistry Division by order dated 27.9.1993, resumed his duty in the Chemistry (Toxi) Division on 1.10.1993 and he refused to perform duties entrusted to him. Though he was specifically instructed by S/Shri N.K.Prasad,SSO-II, K.S.Chhabra,SSO-I and V.S.Bisaria,HOD, to cut viscera on priority basis in urgent cases which were required to be completed urgently, he did not do so. After the enquiry was held, it was found that the charges against the applicant stood proved. Thereafter the disciplinary authority passed the impugned order of removal from service.

4. The applicant contends that the enquiry was not conducted in accordance with law and is therefore liable to be quashed. The enquiry officer failed to follow the principles of natural justice and the findings are perverse. It is also stated that sufficient opportunity was not given to him to defend his case and he was not supplied with the relevant documents.

5. The respondents have contested the averments made by the applicant and reply has been filed denying the averments made by the applicants. They have submitted that all the relevant documents were provided to the applicant and opportunity was also given. The charges stood proved and the enquiry was held in accordance with law.

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(3)

6. The ground taken by the applicant that he was not provided with the relevant documents, there is no material record to substantiate the same. Copies of the charge-sheets along with the articles of charges were supplied to the applicant and list of documents were also furnished and duly received by him on 31.1.1994.

7. The next ground taken by the applicant is that the findings of the enquiry officer is perverse. As regards this ground, the Tribunal is not to re-appreciate the evidence of the enquiry. Regarding cross-examination, it cannot be said that the enquiry officer had not provided any opportunity. He was given reasonable opportunity to defend his case during enquiry. The other grounds taken by the applicant do not call for any discussion. The applicant has not been able to substantiate any of his grounds to assail the impugned order. The OA is devoid of merit and the same is accordingly dismissed. No order as to costs.

Shanta
(Smt. Shanta Shastray)
Member(A)

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Kuldip
(Kuldip Singh)
Member(J)