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Central Administrative Tribunal, Principal Bench

Original Application No. 2498 of 1998
MA 652/2000

New Delhi, this the 20th day of July, 2000

Hon'ble Mr.Justice Ashok Agarwal Chairman
Hon'ble Mr.V.K.Majotra, Member (Admnv)

Shri Vidyanand Sharma, aged 49 years, S/o
late Shri Udai Narayan Sharma, Ex. G.M.
Canteens, L.N.Hospital, New Delhi-110002 R/o
Village Lado Sarai, House of Shri Ajit
Singh, New Delhi-110030. - Applicant

(Applicant in person)

Versus

1. Union of India through Secretary (Policy
Maker), Department of Personnel,
Government of India, North Block, New
Delhi-110001.
2. Government of Delhi through Principal
Secretary (Medical) appellate Authority,
5, Sham Nath Marg, Delhi-110054.
3. Medical Superintendent, (Disciplinary
Authority), L.N.J.P.N. Hospital, New
Delhi-110002. - Respondents

(By Advocate Shri Ajay Gupta)

ORDER (Oral)

By Justice Ashok Agarwal, Chairman.-

Penalty of dismissal from service imposed upon
the applicant by the disciplinary authority on 13.1.1998
is impugned in the present O.A.

2. We have heard the applicant who has appeared
in person. We have perused the ~~entire record of~~
~~report of the enquiry~~
~~enquiry proceedings. Report of the enquiry officer~~
~~officer dated 29.1.1997. The same is a detailed report~~
running into 26 pages. The same has considered all the
articles of charges being Articles-I to VI in the light
of the evidence adduced before him both oral as well as
documentary. On a detailed discussion, the enquiry
officer has found Articles I to IV and Article VI proved
and Article-V as not proved. Aforesaid report of the

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enquiry officer, we find is a balanced report, which negates the allegation of bias advanced by the applicant. A copy of the report of the enquiry officer was duly served on the applicant. He has submitted a detailed representation on 8th December, 1997 running into 13 pages. The disciplinary authority on a consideration of aforesaid representation in the light of the report of the enquiry officer has agreed with the findings of the enquiry officer. Having regard to the gravity of the charges found proved against him, a penalty of dismissal from service has been imposed on the applicant. Aforesaid order of the disciplinary authority was carried by the applicant by preferring an appeal dated 20th January, 1998. The appellate authority vide his order of 29th October, 1998 has, on consideration of the contentions raised in the appeal, dismissed the appeal and has maintained the order of penalty.

3. In our judgment the order in so far as it find the applicant guilty of five of the six charges is fully borne ^{out} _{by} the evidence on record. By way of an example we quote statement of imputation of misconduct in support of Article-I of the charge to indicate how the order holding the applicant guilty is fully justified :-

Article-I

"On verification of the form filled by Sh. V.N.Sharma, at the time of appointment for verification of his character and antecedents in column No.1, Sh. V.N.Sharma, General Manager, Departmental Canteen, has mentioned 'Vidya Nand Sharma, known as P.N.Sharma, in union activity, brothers name from 1978 to 1981 and in column No.11, he has mentioned that he has worked in I.P.C.L.Canteen, Baroda, from 1978 to 1980. His both these statements

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are contradictory as it is not possible for anyone to work at two different places/ seats simultaneously, i.e. Baroda and New Delhi and thus Sh. V.N.Sharma has given false declaration and has contravened the terms and conditions of officer(sic) of appointment"

The enquiry officer in respect of aforesaid article has ~~held~~ observed as under:-

"The charge I indicating the C.O. of giving false declaration at the time of appointment has been sustained."

The disciplinary authority in respect of aforesaid charge has observed as under :-

"The Inquiry Officer in his report has held that the charges framed against Sh. V.N.Sharma is sustained as he could not give sufficient explanations on the charge.

" " " " I have considered all documents on record including the inquiry report and the representation of Sh. V.N.Sharma on the findings in the inquiry report and I am of the view that explanation given by Sh.V.N.Sharma on the findings in the inquiry report is not satisfactory."

Aforesaid statement of imputation & findings of the enquiry officer and the disciplinary authority have been extracted merely in order to illustrate that the findings recorded against the applicant are practically unimpeachable. In the circumstances we have no hesitation in upholding the same.

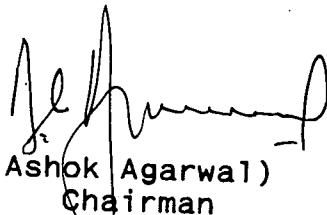
4. As far as principles of natural justice are concerned, though divergent allegations have been made by the applicant in his oral statement before us in respect of violation of the same the same have not at all been substantiated from the record. In the



circumstances we have no hesitation in holding that principles of natural justice have also been duly followed.

5. In the circumstances we find that present O.A. is devoid of merit. The same is accordingly dismissed, however, without any order as to costs.

6. In view of the dismissal of the O.A. nothing survives in MA 652/2000, which is also dismissed.


(Ashok Agarwal)

Chairman


(V.K. Majotra)

Member (Admnv)

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