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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.34/98

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 26th day of September, 2000

Shri Prafulla Kumar
s/o Sh. B.B.Srivastava
19 - East Guru Angad Nagar
Road No.1, Patparganj Road
Delhi.

... Applicant

(None)

Vs.

1. Union of India
through The Secretary
Ministry of Labour
Shram Shakti Bhawan
Rafi Marg
New Delhi.
2. The Chief Labour Commissioner
(Central)
Shram Shakti Bhawan
Rafi Marg
New Delhi.
3. The Regional Labour Commissioner(Central)
Patna. ... Respondents

(By Shri R.P.Agarwal, Advocate)

O R D E R (Oral)

By Justice V. Rajagopala Reddy:

The applicant was working as Labour Enforcement Officer(Central) a Group 'B' since 1973. As at it was alleged that certain irregularities were committed by him, an enquiry has been initiated in 1985 which culminated in his removal from service by order dated 10.6.1986. While the appeal was pending, OA No.761/87 was filed which has been allowed by order dated 12.1.1992. This order has been challenged before the Supreme Court by the respondents. The Supreme Court remanded the OA back to the Tribunal. The Tribunal disposed of the OA by order dated 21.5.1996 directing the appellate authority to dispose

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of the appeal within four months. Appeal was accordingly disposed of by modifying the punishment of removal into one of compulsory retirement by order dated 14.3.1997.

2. None appears for the applicant either in person or through his counsel. Heard the learned counsel for the respondents.

3. The main relief sought for in this OA is that the order of compulsory retirement should take effect only from the date of the order of the appellate authority, i.e., 14.3.1997 and not the date of removal dated 10.6.1986. The learned counsel for the respondents submits that the appellate authority only modified the order of the disciplinary authority removing the applicant from service. Hence the order should relate back to the date of the order of removal, i.e., 10.6.1986. We do agree with the plea of the respondents. Though the applicant was removed in 1986, the OA filed by the applicant came to an end only by the passing of the impugned order. The matter was ultimately remitted to the appellate authority which disposed of the appeal by passing the impugned order on 21.5.1996. The appellate authority has only considered the validity of the order of removal and finding that it was only the case of compulsory retirement, passed the impugned order. Hence the plea of the applicant cannot be accepted.

4. It is next urged in the OA that the order of the compulsory retirement is harsh as similarly placed persons have been let off with minor penalty and

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that the findings arrived at by the disciplinary authority as well as the appellate authority are wholly incorrect. The findings arrived at in the basis of evidence on record over the punishment imposed cannot be interfered by us in the exercise of the judicial review jurisdiction. It is not clearly shown how other employees/culprits were similarly placed to consider the allegation of discrimination. We do not find any warrant to interfere with the impugned order. The OA therefore fails and is accordingly dismissed. No costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

Am. Jayaraman
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/