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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 449 of 1995

New Delhi this the 1st day of October, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

S.K. Sharma
Upper Division Clerk
Office of Director General
of Medical Services
5 B AG's Branch
Army Headquarters
L Block
New Delhi. 110 001.

... Applicant

(By Advocate: Shri K.B.S. Rajan, through
proxy Shri R.K. Shukla)

-Versus-

1. Union of India, through
Secretary
Ministry of Defence
South Block
New Delhi 110 001.
2. The Joint Secretary and CAO
Ministry of Defence
South Block
C-II Hutments
Dalhousie Road
New Delhi.

... Respondents

(By Advocate: Shri S.M. Arif)

O R D E R (Oral)

By Reddy, J.

When this case is called and the learned counsel for the respondents was prepared to go on with the case, the applicant got up ^{and} says that his counsel was unwell. No such representation was made during the mention time in the morning or when the regular matters are taken up. Now when the case is taken up, this submission is made. We are not prepared to adjourn the case as the matter is of 1995.

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2. After completing the arguments of the learned counsel ^{for} the respondents, when we were about to pronounce the judgment, Shri R.K. Shukla, appearing on behalf of the counsel for the applicant requests for adjournment, without giving any reason.

3. In view of the facts stated above, we refuse to entertain any further representation in the matter on behalf of the applicant.

4. This OA is filed challenging the order dated 25.1.1994 whereby the applicant, a UDC was inflicted with the penalty of withholding of increment for one year without cumulative effect.

5. The applicant was working as UDC in the office of the Director General of Medical Services (Army), A.G.'s Branch, Army Headquarters. An allegation was made that on 25.10.97 he refused to receive Dak despite repeated requests by one Shri Rajinder Singh, Peon. When it was persisted, he assaulted the said Peon resulting in injuries on the cheek of the Shri Rajinder Singh whereby it is alleged, that he started bleeding profusely. On this allegation of misconduct, an enquiry was held against the applicant and the Enquiry Officer, after examining several documents and witnesses, submitted the report to the disciplinary authority holding that the charge was not established. The

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disciplinary authority having considered the findings of the Enquiry Officer and other material on record, disagreed with the findings of the Enquiry Officer holding that the evidence available on record amply proved that the applicant assaulted Shri Rajinder Singh, Peon. He accordingly imposed the penalty of withholding of increment for one year without cumulative effect. The appeal filed by the applicant against the order of the disciplinary authority however ended in dismissal. The revision filed against the order also stood dismissed.

6. Several grounds are raised in the OA challenging the orders of punishment. But all the grounds related to the appreciation of evidence by Enquiry Officer and the validity of the findings of the disciplinary authority. It was also urged that the Enquiry Officer having exonerated the applicant, the disciplinary authority, on wrong appreciation of evidence, imposed the penalty. These allegations, in our view, cannot be gone into by the Tribunal. It is true that the Enquiry Officer had exonerated the applicant but the disciplinary authority considering the findings of the Enquiry Officer and giving valid reasons, disagreed with the findings of the Enquiry Officer. The disciplinary authority has given cogent reasons for his findings. After considering the evidence of witnesses and the evidence on record he has shown how the charges against the applicant have been established. In the circumstances, we do not see any warrant to



interfere with the impugned orders. We do not find any merit in the grounds raised in the OA. The appellate and revisional authorities have also considered the pleas raised by the applicant and thereafter passed a speaking order.

7. In the circumstances, the OA fails and is accordingly dismissed. No order as to costs.

Shanta Shastri

(Mrs. Shanta Shastri)
Member(A)

V. Rajagopla Reddy

(V. Rajagopla Reddy)
Vice Chairman(J)

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