

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.1083/95

Hon'ble Shri Justice S.C.Mathur, Chairman  
Hon'ble Shri K.Muthukumar, Member(A)

New Delhi, this 07th day of July, 1995

Shri Mangtu Ram  
s/o Shri Mani Ram  
r/o C/o Shri Amar Singh Baghel  
D/361, Ganesh Nagar, Pandav Nagar Complex  
New Delhi-92. ... Applicant

(None)

Versus

Union of India - through:  
The Secretary,  
Govt. of India  
Ministry of Defence  
South Block  
New Delhi.

The Director General of Supplied and Transport  
Quarter Master General Branch  
Army Headquarters  
New Delhi.

The Commandant  
3, Reserve Petroleum Depot, A.S.C.  
Mathura Cantt. ... Respondents

O R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

No supplementary affidavit has been filed on behalf of the applicant. No one has appeared on behalf of the applicant even on the revised call. We accordingly, proceed to decide the case on the basis of material available on the record.

The application is directed against an order of compulsory retirement dated 22.4.1994 (Annexure, A-1). The order of compulsory retirement has been passed on the basis of applicant's conviction by criminal court on the charge of claiming false medical reimbursement. On 9.6.1995, when the case came up before a Division Bench, it was tried to be

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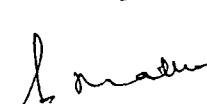
argued by the learned counsel for the applicant that there was no conviction by criminal court against the applicant.

The applicant was therefore, required to file a supplementary affidavit to make positive statement in ~~that~~  
~~behalf~~  
~~application~~. No supplementary affidavit has been filed.

Accordingly, there is no evidence in support of the ~~case~~ ~~plea~~  
~~was~~  
~~not~~  
~~the~~  
~~application's~~  
conviction by criminal court.

Once conviction has been recorded by criminal court, it is open to the Disciplinary Authority to pass an order of civil punishment. In the present case, after examination of the relevant material, the Disciplinary Authority has passed the impugned order, which ~~did~~ <sup>could</sup> not be shown <sup>to suffer</sup> from any ~~legal~~ infirmity. Accordingly, the application is liable to be dismissed. In view of the above, the application is dismissed in limine. No costs.

  
(K. MUTHUKUMAR)  
MEMBER(A)

  
(S.C. MATHUR)  
CHAIRMAN

/RAO/