

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.536/96

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 18th day of January, 2000

Puran Singh
Bindery Assistant
s/o Shri Mattu Ram
Dabua Colony, Nawada Road
Block-A, No.10
Faridabad.

... Applicant

(None)

Vs.

1. The Director
Directorate of Printing
Nirman Bhawan
New Delhi.
2. Shri S.K.Sen
Manager
Photolitho Press
Government of India
Faridabad.
3. Shri C.P.Narula
Deputy Manager
Photolitho Press
Government of India
Faridabad.

... Respondents

(By Shri N.S.Mehta, Advocate)

O R D E R (Oral)

By Ashok Agarwal, Chairman:

The order passed, in disciplinary proceedings initiated against the applicant, removing ~~the~~ ^{him} applicant from service and the order passed in an appeal confirming the order of removal are impugned in the present OA.

2. The charges ~~is~~ levelled against the applicant ^{is} ~~are~~ as under:

"Shri Puran Singh (under suspension) while functioning as Bindry Assistant has mis-behaved and threatened Sh. R.Venkatachalam Deputy Manager in his Chamber on 4.6.1985 at 12.30 PM with the assistance of Shri Balbir Singh, Labourer of this Press and thereby created indiscipline in the Press."

3. By an order passed on 5.6.1985, the applicant was placed under suspension pending disciplinary proceedings which were contemplated against him. A Memorandum of Charges dated 18.6.1985 was accordingly served upon the applicant. By a communication dated 22.6.1985 applicant stated that the charges levelled against him were totally false and incorrect. He accordingly prayed that he be exonerated and reinstated in service. The Enquiry Officer fixed the hearing for 21.5.1986 at 2.30 P.M. The applicant was given notice of the time so fixed for hearing. Applicant was directed to attend at the appointed time with his defence assistant. Applicant did not attend at the appointed time. As a result the proceedings were conducted ex-parte and an order of removal from service was passed. Applicant on the next date, i.e. 22.5.1986 sought to explain his absence at the hearing of the enquiry by contending that he had been implicated in a false case by the management of the Press and was arrested at 12.30^{PM} on 21.5.1986 and was released on bail only on 22.5.1986, therefore he was accordingly unable to attend at the appointed time. Aggrieved by the orders of the disciplinary authority imposing the aforesaid penalty, applicant preferred an appeal to the appellate authority with the grievance that he had not been given proper opportunity to defend himself. The appellate authority after going through the records of the case, the Enquiry Officer's report and other connected matters rejected an appeal on 20.8.1987. Taking exception to the aforesaid orders passed in an appeal, the applicant preferred an OA No.205/88. By an order dated 1.6.1993, this Tribunal after setting

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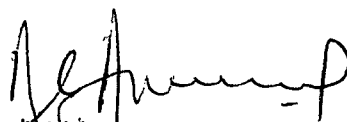
aside the order passed by the appellate authority on 20.8.1987 remitted the matter back to the appellate authority. For the purposes of examining the validity or otherwise of the contention raised by the applicant that he had been arrested at 12.30 PM on 21.5.1986 and was therefore unable to attend the hearing at 2.30 P.M. On demand, the appellate authority made enquiries with the Police Station where the applicant had been arrested. The relevant papers including the report in respect of the arrest were called for. The same show^{ed} that applicant had been arrested at 4.30 PM and not at 12.30 PM as sought to be contended by the applicant. Based on the record, the appellate authority has proceeded to hold that there was no justification for the applicant to remain absent at 2.30 PM which was the appointed time in respect of the enquiry. Based on the finding the appellate authority by its order passed on 27.4.1995 has confirmed its earlier order and has maintained the order of removal from service which was passed by the disciplinary authority. The aforesaid orders are impugned in the present OA.

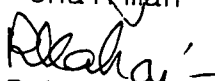
4. The applicant as also his Advocate are absent when the present OA is called for hearing. We have ^{with} the assistance of Shri N.S.Mehta, learned Senior Standing Counsel appearing on behalf of the respondents and have gone through the entire record. We have ~~also~~ ^{also} perused the police report in regard to the arrest of the applicant and we are satisfied with the finding of the appellate authority in its order dated 27.4.1995 that applicant had been arrested at 4.30 PM and not at 12.30 PM on 21.5.1986 and ^{hence he} was not

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justified in remaining absent at the appointed time for hearing of the enquiry before the Enquiry Officer. Once this finding is given it goes without saying that the finding of the appellate authority that there was no just or sufficient cause for the applicant to remain absent, cannot be faulted. The charges levelled against the applicant are serious in nature.

~~5a~~ In the above circumstances, the impugned order of removal from service also cannot be faulted. ^{in the circumstances, we find} The present OAL is devoid of merit, the same is accordingly dismissed. There shall be no order as to costs.


(Ashok Agarwal)
Chairman


(R.K. Ahooja)
Member (A)

/rao/