

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1766/97

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

New Delhi, this the 8th day of August, 2000

Omkar Sharma
s/o Sh. Shri Newas Sharma
r/o Village Mavi Kalan Post. Khera
Distt. Meerut (UP). ... Applicant

(By Shri V.P.Sharma, Advocate)

Vs.

1. Indian Council of Agriculture Research
through its Director General
Krishi Bhawan
New Delhi.

2. The Under Secretary (Admn.)
ICAR, Krishi Bhawan
Dr. Rajendra Prasad Road
New Delhi - 1.

... Respondents

(By Shri N.S.Dalal, Advocate)

O R D E R (Oral)

By Justice Rajagopala Reddy:

A charge sheet for major penalty was issued in 1988 alleging that the applicant has suppressed the information about his detention in Jail in connection with the murder case. A departmental enquiry thereafter was conducted and the enquiry officer found that the applicant was guilty of the charges. Agreeing with the findings of the enquiry officer the disciplinary authority passed the order of dismissal from service in the impugned order dated 10.1.1990, which has been confirmed by the appellate authority in its order dated 5.6.1990. The applicant was however acquitted by the criminal court of the charge of murder by judgement dated 16.11.1995. Thereafter, he filed a representation before the Under Secretary, seeking reinstatement in service which was rejected by order dated 16.7.1996. The present OA is filed to

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(14)

-2-

quash the order dated 10.1.1990 passed by the disciplinary authority as well as the order dated 16.7.1996.

2. It is the case of the respondents that the acquittal of the applicant in the criminal case is not a relevant fact to be considered in the enquiry. It is also contended that the OA is barred by limitation as the appellate authority confirming the order of dismissal was passed on 5.6.1990.

3. The question that has been urged by the learned counsel for the applicant in this OA is as to the validity of the orders of the disciplinary authority and appellate authority dismissing the applicant from service. This contention cannot be entertained at this stage after a period of seven years from the date of dismissal. Hence, the OA is hit by Section 21 of the Administrative Tribunals Act, 1985.

4. No other question is urged. In the circumstances, the OA fails and is accordingly dismissed on the ground of limitation. No costs.


(GOVINDAN S. TAMPI)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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