

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2179/1997

with

OA 2183/1997

(13)

New Delhi this the 7th day of September, 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice Chairman (J)
Hon'ble Mrs. Shanta Shastray, Member (A)

Shri Dharambir Singh
S/O Shri Partap Singh
Ex-Mate, Delhi Milk Scheme,
West Patel Nagar, New Delhi.

.. Applicant

(None for the applicant)

Versus

1. Union of India
through the Secretary
Ministry of Agriculture
(Department of A.H. & Dairying)
Krishi Bhawan, New Delhi.

2. The General Manager
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008

.. Respondents

(By Advocate Sh.S.M.Arif)

OA 2183/1997

Shri Pooran Singh
S/O Shri Rishal Singh,
Ex-Mate, Delhi Milk Scheme,
West Patel Nagar, New Delhi

.. Applicant

(None for the applicant)

Versus

1. The Union of India
through the Secretary,
Ministry of Agriculture
(Dept. of A.H. & Dairying),
Krishi Bhawan, New Delhi-1

2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008

.. Respondents

(By Advocate Shri S.M. Arif)

O R D E R (ORAL)

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)

The applicants, Shri Dharambir Singh and Sh. Pooran Singh
were working as Mates in the DMS, Govt. of India. They were

(14)

14

issued charge Memo. dated 4.3.1991 alleging that when they were posted for Milk distribution duty, the said route was checked by the Security Staff at the security gate, DMS and found 77 poly packs of 1 litre milk each and 20 lits^r loose milk in excess of the scheduled quantity and which act of a Govt. servant shows dishonesty and lack of integrity on the part of the applicant. When the applicants denied the charges, joint enquiry has been held against both the applicants and the charge framed against the applicants was found proved. The disciplinary authority after obtaining the Inquiry Officer's report asked the applicants to make a representation against it and when the applicants did not make any representation even though sufficient time has been given to them, he considered the material on record and found that ⁴not the applicants were guilty of the charge and imposed the punishment of penalty of compulsory retirement from service by the impugned orders dated 10.10.1995. Appellate authority rejected the appeal. Therefore, the applicants are before the Tribunal.

2. None appears for the applicant, neither in person nor through counsel. Heard the learned counsel for the respondents, Shri S.M.Arif.

3. The grounds alleged in the OA are that the applicants were not supplied necessary documents nor provided statements of witnesses which prejudiced them in their defence. All the witnesses shown in the list of witnesses have not been examined and the applicants were not given ample opportunity to cross examine the witnesses.

4. Learned counsel for the respondents submits that the Inquiry Officer conducted the enquiry in accordance with the Rules. The Inquiry Officer after providing sufficient opportunity to the applicant for cross examination of the witnesses and providing all the documents and providing sufficient opportunity to inspect the documents shown in the list, had come to the conclusion that the charges against the applicants were proved.

5. We have given careful consideration to the points raised in the OA and the contentions of the learned counsel for the respondents.

6. We have perused the disciplinary authority order and the appellate authority order as well as the Inquiry Officer's report. It is clear from the Inquiry Officer's report that the applicant had been given sufficient opportunity to inspect the documents shown in the list of documents, which is evident from the signature found in the proceedings. It is also stated that the statement of witnesses have been furnished to them. It is also clear from the I.O's report that the applicants were given defence Assistants to represent the applicant and nothing was shown to us in support of this contention that he was not permitted to cross examine the PWS. E.O. has given finding that the statements of witnesses were recorded in the presence of the applicants, copy supplied to them. The contention that all PWS should be examined is also not tenable. The Charged Officer was free to cite them as DWs but he did not do so. In this case it is confirmed from the seizure report, clinched the case against the applicant. In the circumstances

of the case the Inquiry Officer found on the basis of evidence that the applicant was guilty of the charge . It is not permissible for us to interfere with the findings in the Inquiry Officer's report in exercise of the judicial review jurisdiction. We, therefore, do not find any infirmity in the impugned orders. OA fails and it is accordingly dismissed. In the circumstances of the case, no costs.

(Mrs. Shanta Shastri)
Member(A)

V. Rajagopala Reddy
(v. Rajagopala Reddy)
Vice Chairman(J)

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Original judgment placed in on 21/8/97

Attached

G. C. Srinivas
14/11/2000
C. O. C. I.