

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2342 of 1997

New Delhi, this 2nd day of June, 2000

HON'BLE SHRI JUSTICE V. RAJAGOPALA REDDY, VC(J)
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

Uday Singh
S/o Shri Hoti Singh
R/o Village Mukera, P.O. Salempur
P.S. Shikarpur, Dist. Bulandshahar
U.P. ... Applicant

(By Advocate: Shri Shamsuddin Khan - not present)

versus

1. Union of India, through
Secretary
Ministry of Home Affairs
North Block
New Delhi.
2. Director General of Central Industrial
Security Force
C.G.O. Complex (M.H.A.) Lodhi Road
New Delhi.
3. Deputy Inspector General West Zone
Central Industrial Security Force
(M.H.A.) R.C.P.L. Complex
Chembur, Bombay-40074.
4. The Commandant
Central Industrial Security Force
Unit BHEL, Bhopal
M.P. ... Respondents

(By Advocate: None)

Order (oral)

By Reddy, J.

The applicant is aggrieved by the order of removal from service dated 28.9.1991 passed by the Commandant, CISF, Unit BHEL, Bhopal which has been affirmed by the appellate authority in its order dated 18.3.1992. Facts in brief are as follows:-

(Signature)

2. The applicant was enrolled as a Constable in 1983 by the Commandant, Central Industrial Security Force ((CISF, for short). He was promoted to the post of Head Constable in 1984. He was alleged to have entered Quarter No.45 of Constable Rajendra Singh unauthorizedly at about 01.30 a.m. and tried to molest the sister of Constable Rajendra Singh while she was alone in the quarter. He was thereafter suspended and after a departmental enquiry conducted under Rule 34 of CISF Rules, 1969 the disciplinary authority agreeing with the findings of the enquiry officer removed him from service by the impugned order.

3. None appears for the parties either in person or through counsel. The respondents were set ex parte by order dated 8.12.1997 and the right to file reply was forfeited. Since the matter is of 1997, we have disposed of the case on merits on the available pleadings.

4. The applicant raises the ground as to the violation of principles of natural justice and equity in conducting the enquiry. It was pleaded that no proper opportunity was given to the applicant and that the evidence led was not properly appreciated by the enquiry officer. The testimony of the prosecutrix, it was pleaded, should not have been relied upon.

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5. We have given careful consideration to the pleadings as well as the material papers filed by the applicant.

6. We are afraid that the OA is not maintainable at all. The impugned order having been passed by the Deputy Inspector General of CISF, West Zone, Bombay, rejecting the appeal against the order of punishment awarded by the Commandant, CISF Unit BHEL, Bhopal, Principal Bench has no territorial jurisdiction to entertain the OA.

8. The OA is liable to be dismissed on the above grounds.

9. We have perused the charge-sheet, orders of the disciplinary authority as well as the appellate authority. The charges are very serious in this case. The order of the disciplinary authority reveals that it has taken every effort to see whether any violation of principles of natural justice has been committed by the enquiry officer in the inquiry and whether the enquiry was consistent with the rules. Having been satisfied after taking into consideration the seriousness of the allegations and finding sufficient evidence in this case in support of the charge, the DA inflicted the



punishment of removal. The said order was affirmed by the appellate authority giving cogent and valid reasons. This court, in the exercise of judicial review jurisdiction, cannot act as appellate authority and re-appreciate the evidence to arrive at a different conclusion.

10. In the circumstances, we do not find any substance in the grounds taken by the applicant in the OA. The OA, therefore, fails and is accordingly dismissed. No costs.

Shanta
Shastri

(Mrs. Shanta Shastri)
Member(A)

Chagopala
Reddy

(V. Rajagopala Reddy)
Vice Chairman(J)

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