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Central Administrative Tribunal, Principal Bench

Original Application No. 2509 of 1997

M.A. 760 of 1998

New Delhi, this the 9th day of August, 2000

Hon'ble Mr. Kuldip Singh, Member (J)

Hon'ble Mrs. Shanta Shastri, Member (A)

Babloo son of Shri Samsuddin,  
(Ex. Box No. 124 N.D.L.S.),  
R/o. 1/16, Idgah Katghar  
Agra (U.P.) = Applicant

(By Advocate - Shri D.B. Goswami)

Versus

1. Union of India,  
through Secretary,  
Ministry of Railway  
Govt. of India,  
New Delhi

2. A.D.R.M.,  
Central Railway,  
Jhansi (U.P.)

3. Senior Divisional Electrical Engineer (TRO)  
Central Railway,  
Divisional Office Jhansi (U.P.)

4. Asstt. Electrical Engineer (TRO)  
Central Railway,  
New Delhi. = Respondents

(By Advocate - Shri B.S. Jain)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant in this OA has impugned the revision order dated 31.7.97 (Annexure A-1) upholding the findings of the enquiry officer and confirming the disciplinary and appellate authority's orders terminating the services of the applicant.

2. In the grounds taken to challenge the revision order dated 31.7.97, the applicant has simply stated that he has been terminated only on the allegation made by one Shri Ram Kripal, who had later withdrawn/compounded the

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case against the applicant by moving an application before the Hon'ble Court of learned M.M. and he was discharged by the criminal court. As far as this ground is concerned, it has no merits because merely on ground that he had been discharged by the civil court, that can not prohibit the respondents to proceed against him departmentally. It is well established rule that department can always proceed against an employee irrespective of the fact whether he had been acquitted <sup>by the court</sup> in a particular case or not.

3. Second ground taken by the applicant is that departmental proceedings initiated against him were decided ex-parte. However, from perusal of Annexure A-1 to the OA, we notice that applicant had been participating in the disciplinary proceedings and he was also provided the assistance of one Shri J.C.Sharma, Sr.L.I. to defend himself and Shri Sharma acted as his defence assistant and had also attended the proceedings alongwith applicant. The enquiry report alongwith the conclusion was also communicated to the applicant which fact has not been challenged by the applicant in this OA and the revision order also shows that proper procedure was followed while conducting the inquiry and sufficient opportunity was given to applicant to defend himself. So the allegation of applicant having been proceeded against ex-parte, also has no merits.

4. Shri Jain, learned counsel for respondents has drawn our attention to D.E. proceedings dated 1.5.93 wherein the applicant is said to have admitted the charge

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of assault and stabbing.

5. In view of the fact that applicant has himself admitted the charge of assault and stabbing, we are of the considered opinion that no interference is called for in the impugned order and the OA deserves to be dismissed. We order accordingly. No costs.

*Shanta S.*  
(Mrs. Shanta Shastri.)  
Member (A)

*Kuldip Singh*  
(Kuldip Singh)  
Member (J)

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