

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(17)

O.A./~~.....~~ No. 1007/94 /19 Decided on: 26.12.96

..... Shri Virender Singh. APPLICANT(S)
(By Shri T.C. Agarwal. Advocate)

VERSUS

..... UOI & others. RESPONDENTS
(By Shri V.S.R. KRISHNA. Advocate)

CO RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~SHRI~~ / SMT. / DR. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? Yes.
2. Whether to be circulated to other Benches of the Tribunal? No.

Admly.
(S.R. ADIGE)
MEMBER (A).

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No.1007 of 1994

New Delhi, dated the 26th February, 1996

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HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Virender Singh,
S/o Shri Sunder Singh,
R/o A-342, Sough Ganesh Nagar,
Delhi-110092.APPLICANT

(By Advocate: Shri T.C. Aggarwal)

VERSUS

1. Union of India through
the Secretary,
Ministry of I & B,
Shastri Bhawan,
New Delhi.

2. The Director General,
Directorate of Advtg. & Visual Publicity,
Ministry of I & B,
PTI Building,
Parliament Street,
New Delhi-110001. RESPONDENTS

(By Advocate: Shri V.S.R. Krishna)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Shri T.C. Aggarwal for the applicant and Shri V.S.R. Krishna for the respondents.

2. We note from the judgment dated 12.8.93 in O.A. 2966/92 that the present applicant Shri Virender Singh along with one Shri Ram both casual labourers had come to the Tribunal with the complaint that their services are terminated and claiming reinstatement. Later on the present

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applicant withdrew from that O.A. which remained confined to Shri Ram alone. In that judgment it was noticed that the services of the present applicant, as well as Shri Ram were discontinued w.e.f. 9.10.92 because it was prima facie established on the basis of circumstantial ~~in~~ evidence after due inquiry that the above mentioned two persons were present on the night of 28.8.92 in the respondents' office from where obscene telephone calls were made to the wife of one Shri Sombir Singh at their residence. The Tribunal in its judgment dated 12.8.93 had found no infirmity in the impugned order terminating Shri Ram's services and had dismissed the O.A. The R.A. bearing No. 300/93 praying for review of that judgment was also dismissed on 26.7.94.

3. Applicant's counsel Shri T.C. Aggarwal who incidentally also happened to be the counsel for the applicant in O.A. No.2966/92 has not produced any material to satisfy us that the said judgment dated 12.8.93 (Supra) has not become final.

4. As the case of the present applicant is identical with that of Shri Ram, we are clearly of the view that the judgment dated 12.8.93 (Surpa) would be fully applicable in the present O.A. too.

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5. During hearing Shri Aggarwal admitted that the present applicant was the same Virender Singh mentioned in the judgment dated 12.8.93 (Supra), but wanted us to believe that the said Virender Singh had not initially associated himself in O.A. No. 2966/92 as stated in para 4 of that judgment. If so, how the Tribunal specifically mentioned in the said paragraph 4 of that judgment that Virender Singh had initially associated himself with the O.A. and later withdrew, Shri Aggarwal was unable satisfactorily to explain. Furthermore he was unable to state why, if such an error was apparent on the face of the record, the point was not pressed in the R.A.

6. Shri Aggarwal also contended that no inquiry was held, but in the Tribunal's judgment dated 12.8.93 (Supra) specific mention has been made of the inquiry which was held into the matter and that judgment has become final, by which we as a Coordinate Bench are bound.

7. Lastly, Shri Aggarwal urged that ^{Sombir Singh had not} subsequently letter dated 13.6.94 (Ann.A-7 to rejoinder) stating that his wife had said that the said Shri Ram was not the person whose voice she had heard making the telephone calls. This letter is dated 13.6.94, that is nearly two years after the incident. Whether it was actually signed by the complainant Shri Sombir Singh is not fully established, and in any case it is not

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the function of the Tribunal ~~and~~ ^{to} reappreciate the ~~in~~vidence, or consider new evidence.

8. On the basis of the materials on record, it cannot be said that the respondents' action in terminating the services of the applicant is illegal, arbitrary, malafide or based on no materials. The applicant has made written submissions which are taken on record in which he has cited a large number of judgments but none of those judgments were specially mentioned during hearing, and in any case in view of the judgment dated 12.8.93 (Supra) which squarely covers the present case, none of those judgments are of any avail to him.

9. Under the circumstances, we see no reason to interfere in this matter. The O.A. fails and is dismissed. No costs.

Lakshmi
(LAKSHMI SWAMINATHAN)
Member (J)

Adige
(S.R. ADIGE)
Member (A)

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