

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 2032/1994

Monday this the 26th day of July, 1999

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

Pradeep Kumar Sharma,
S/o Shri Anand Swaroop Sharma,
R/o H.No.1299, Vaidwara Chand nichowk,
Delhi. ... Applicant

(By Advocate (none present)

Vs.

1. Union of India through the
Secretary, Ministry of Defence,
South Block, New Delhi. 1. ... Respondent
2. The General Manager,
Ordnance Equipment Factory,
Hazrat Pur, Doondla-283103
(UP). ... Respondent

(None present for the respondents)

The application having been heard on 26.7.1999, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant Pradeep Kumar Sharma, Charge man
Grade II (CT) was compulsorily retired from service vide
order dated 4.6.93 (Annexure A) of the second respondent
on the acceptance of the finding of the Enquiry Officer
in the Enquiry held into the charge against him that
he exhibited gross misconduct. He used abusive language
and attempted to assault physically Shri V.C.Jain,
Asst. Foreman/Incharge Industrial Canteen on 18.9.1986
at about 9.45 hrs. at Industrial Canteen. Though the
applicant had denied the guilt, the enquiry was held,

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witnesses were examined and it was on the basis of the evidence that the Enquiry Officer reached the finding of guilt. The appeal preferred by the applicant before the appellate authority, against the impugned order was also rejected by the appellate authority. The applicant therefore, has filed this application seeking to have the impugned order (Annexure A) set aside and for a direction to the respondents to reinstate him with all consequential benefits of arrears, of pay, allowances etc.

2. The respondents have refuted the allegation made in the application in a reply statement filed by them.

3. When the application came up for hearing, none appeared on either side even on the second call. Therefore, we have gone through the pleadings and the other materials placed on record very carefully and are proceeding to dispose of this application.

4. The impugned order of compulsory retirement is mainly challenged on the ground that the enquiry officer as also the disciplinary authority have come to the finding that the applicant is guilty without a proper appreciation of the evidence recorded at the enquiry. We find that the finding of guilt was arrived at on the basis of all the evidences recorded. It is not permissible for the Tribunal to go into the question of sufficiency of evidence or whether it would be possible to reach a different conclusion. If the finding is totally

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per verse alone the Tribunal would be justified in interfering ^{with} the decision taken by the disciplinary authority. We do not find the finding perverse as contended by the applicant.

5. In the result, the application fails and the same is dismissed leaving the parties to bear their costs.

Dated this 26th day of July, 1999.



S.P.BISWAS
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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