

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1447 of 2000

New Delhi, this the 16th day of August, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)
HON'BLE MR.M.P.SINGH, MEMBER(ADMN)

(15)

Shri Surender Singh,
S/o Sh. Jai Singh,
r/o Vill. Mandola, PS-Loni,
Distt. Ghaziabad, U.P.
(By Advocate: None)

-APPLICANT

Versus

1. Controller of Accounts,
Principal Accounts,
Govt. of Delhi, More Gate,
Delhi.
2. The Govt. of Delhi,
through: Principal Secretary(Finance),
Sham Nath Marg, Civil Lines, Delhi.
3. Union of India,
through Secretary Ministry of Home Affairs,
New Delhi.
(By Advocate: Ms. Sumedha Sharma)

-RESPONDENTS

O R D E R (ORAL)

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

We have heard Ms. Sumedha Sharma, learned counsel for the respondents. She has pointed out that applicant in this OA had been removed from service by an order passed by the disciplinary authority on 30.12.1994. His appeal for reinstatement in service also came to be rejected vide order dated 11.8.99 passed by the Appellate Authority. The applicant has challenged his removal from service though he has not specifically impugned the aforesaid orders. On that ground, learned counsel for the respondents submits that OA is not maintainable and the same is liable to be dismissed.

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2. Applicant has submitted that after joining in clerical cadre, he was appointed as LDC w.e.f. 12th July, 1993. Thereafter he had fallen sick and his mental condition was not up to mark. Thereafter the applicant received head injury being a victim of dacoity and FIR No108/94, u/s 394 IPC dated 24.2.1994 was lodged, so the applicant was obstructed from attending his duties, due to reasons beyond his control. Applicant contends that on this ground his removal from service is untenable and the same has been made on extraneous considerations. However, we have gone through the order dated 11.8.1999 which has been annexed at Annexure-F. The order is a reasoned and a speaking order. Going through the same we find that the applicant was given adequate opportunity before imposing the aforesaid penalty of removal from service. It is only after the applicant failed to attend the enquiry despite several notices that he was proceeded ex parte. Disciplinary authority had granted ample opportunity to the applicant before passing the order of removal from service.

3. In view of the foregoing discussions, we are of the view that no ground for interference has been made out in the present OA. The OA is thus devoid of merit and the same is accordingly dismissed. No costs.


(M.P. SINGH)
MEMBER(ADMIN)


(KULDIP SINGH)
MEMBER(JUDL)