

Central Administrative Tribunal
Principal Bench

O.A. 329/2000

New Delhi this the 31st day of January, 2001

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Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J).
Hon'ble ^{Shri} Govindan S. Tampi, Member(A).

Hawa Singh S/o Shri Tej Ram,
R/o 2131/3, Prem Nagar,
West Patel Nagar,
New Delhi-110 008. ... Applicant.

(By Advocate Shri R.K. Shukla proxy for
Shri S.N. Shukla)

Versus

1. Union of India through
the Secretary,
Ministry of Agriculture,
Department of Animal Husbandry
and Dairying, Krishi Bhawan,
New Delhi-110 001.
2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110 008. ... Respondents.

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

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J).

The applicant has challenged the validity of the orders passed by the respondents, namely, disciplinary authority's order dated 23.10.1990 and the order passed by the President under Rule 29 of the CCS (CCA) Rules, 1965 dated 29/31.7.1997 imposing upon him the penalty of compulsory retirement from service. MA 396/2000 has been filed by the applicant praying for condonation of delay of 543 days in filing the O.A. which has been done on 24.1.2000.

2. We have heard Shri R.K. Shukla, learned proxy counsel for the applicant and Shri V.S.R. Krishna, learned counsel for the respondents and perused the records.

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3. In MA 396/2000, the applicant has stated that after receipt of the aforesaid Presidential order dated 31.7.1997, his mental condition had deteriorated and he could not trace the papers. He has accordingly prayed for condonation of delay of 543 days in the interest of justice.

4. On the merits, the applicant has submitted that a star witness, namely, one Shri Kuldip Singh had not recorded his evidence and his previous statement had been relied upon thereby depriving him the right to cross examine him. We have also perused the other grounds taken in paragraph 5 of the O.A. From the reply filed by the respondents, it is noted that only one witness had been called, as the other witness is stated to have gone back to his parent office and PW-2 had retired and, therefore, they were not able to be produced. They have also submitted that the inquiry has been held in accordance with the rules and the applicant had failed to produce any defence witnesses. The respondents have also taken a preliminary objection that the O.A. is time barred and not maintainable under Section 21 of the Administrative Tribunals Act, 1985.

5. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties. Learned proxy counsel for the applicant has also submitted the written submissions which are placed on record. In the Miscellaneous Application for condonation of delay of 543 days, we find that the applicant has not supported his mental sickness as alleged, by any medical certificates or other documents showing that he was under treatment. It is also noticed that he did not file any

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appeal against the appellate authority's order in time but had submitted a petition under Rule 29 of the CCS (CCA) Rules, 1965 which has been disposed of by the competent authority by a reasoned and speaking order. From the documents on record, we are also satisfied that a departmental inquiry has been held against the applicant and the conclusions of the competent authorities are based on the statements and evidence produced during the inquiry which has been conducted in accordance with the relevant rules. In the facts and circumstances of the case, we are not satisfied that there is any sufficient cause shown by the applicant in the Miscellaneous Application to condone the delay of 543 days under Section 21(3) of the Administrative Tribunals Act, 1985. Similarly, we also do not find any good grounds to justify allowing the application on merits or interfering with the conclusions arrived at by the competent authorities who have imposed the penalty of compulsory retirement based on the evidence placed before them at the time of the inquiry which has been held against the applicant.

6. In the circumstances of the case, we, therefore, find no justification to interfere with the impugned orders either on the ground of limitation or merits. The O.A. accordingly fails and is dismissed. No order as to costs.

(Govindan S. Tampi)
Member(A)

'SRD'

(Smt. Lakshmi Swaminathan)
Vice Chairman(J)