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Central Administrative Tribunal, Principal Bench

Original Application No. 489 of 2000

New Delhi, this 10th day of April, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. V.K. Majotra, Member (Admnv)

Shri Bhoop Singh UDC (Dismissed) from
service from 2 Army HQ Sig Regt, Meerut
Cantt, R/o 128, Pragati Nagar, Meerut
present address: H.No. 946 Gali No. 1,
G-Block Sangam Vihar, New Delhi. - Applicant

(By Advocate Shri V.P.S. Tyagi)

Versus

1. Union of India (Through Secretary)
Ministry of Defence, New Delhi.
2. The Director General of Signals, Signals 4
(C), GS Branch, Army Headquarters, DHQ PO
New Delhi-110011.
3. The Commandant, Army HQ Signals, Signals
Enclave, New Delhi.
4. The Commanding Officer, 2 Army HQ Signals
Regiment Meerut Cantt. - Respondents

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

An order of dismissal passed against the
applicant in disciplinary proceedings conducted against
him is impugned by the applicant in the present OA.

2. The applicant was charge-sheeted with the
following allegations :-

"(a) Accepting money/ gratification from
civilian employees of the unit for preparing/
processing their Pay Bills, Claims, General
Provident Fund advance etc and also getting
them passed through CDA (CC) Meerut.
(b) Borrowing money from the civilian
employees of the unit using his official
position."

The enquiry officer by his report of 10th October, 1997
(Annexure-A-23) after appreciation of the evidence
adduced before him has found the applicant guilty of the

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aforesaid charge. The disciplinary authority by his order of the 2nd January, 1998 has accepted the aforesaid report of the enquiry officer and has proceeded to impose a penalty of dismissal from service. Aggrieved by the said order, the applicant preferred an appeal. The appellate authority by a detailed speaking order of 12th June, 1998 has dismissed the appeal. The applicant preferred two OAs Nos. 2412/1998 and 1668/1998 before this Tribunal. By a judgment and order dated 20th December, 1999 the aforesaid order passed by the appellate authority was set aside on the ground that the same had been passed without affording the applicant a reasonable opportunity of being heard. The matter was accordingly remanded back to the appellate authority to afford the applicant an opportunity of being heard. The appellate authority has accordingly heard the applicant and has by the impugned order passed on 2nd March, 2000 proceeded to dismiss the appeal.


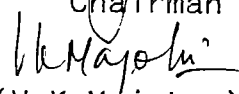
3. We have perused the entire material on record. We have also heard Shri Tyagi, learned counsel appearing in support of the OA and we find that the impugned orders are in order and do not call for any interference in the present OA. The findings of guilt are based on material evidence on record. The same have been accepted concurrently by all the authorities. The applicant has now been given an opportunity of being heard. The appellate authority by the impugned order has dealt with all the points raised by the applicant in

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the appeal as also during the personal hearing given to him. The principles of natural justice have now been duly complied with. No interference is, therefore, called for in the present OA. In the circumstances, the OA is dismissed in limine.


(Ashok Agarwal)
Chairman

(V.K. Majotra)
Member (Admnv)

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