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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 61/2000

New Delhi this the 19th day of January, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER(A)

R. S. Chauhan S/O Yadunath Singh Chauhan,
R/O 234-A, Pocket 1,
Mayur Vihar, Phase-I,
Delhi-110091.

...Applicant

(By Advocate Shri U. S. Bisht)

-Versus-

1. Union of India through
Secretary, Ministry of Home Affairs,
North Block, New Delhi.
2. Delhi Administration through
Lt. Governor,
Raj Niwas Marg,
Delhi-110054.
3. The Director,
Directorate of Education,
Delhi Administration,
Old Secretariat,
Delhi-110054.

...Respondents

O R D E R (ORAL)

Justice Ashok Agarwal:

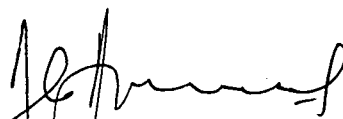
Report of the enquiry officer dated 7.3.1995 holding the applicant guilty of the misconduct alleged against him; order of punishment dated 24.8.1998 withholding three increments for three years with cumulative effect; and the order of the appellate authority dated 8.10.1999 dismissing his appeal, are impugned in the present O.A.


2. It is undisputed that the applicant had received salary both from his earlier employment in the Army during the period 23.10.1972 to 17.11.1972 as also from the Directorate of Education, where he

obtained employment after his voluntary retirement from the Army. This salary he received during his leave period which was prior to his voluntary retirement from the Army on 17.11.1972. Once this fact is admitted, we do not see how the finding of misconduct which has been arrived at against the applicant can be faulted.

3. In view of the undisputed facts, the grievance which is sought to be advanced on behalf of the applicant that certain documents which were relied upon during the disciplinary proceedings were not provided to him, will be of no consequence, as the finding of guilt is based on the aforesaid undisputed facts.

4. Present O.A., in the circumstances, is devoid of merit. The same is accordingly summarily rejected.


(Ashok Agarwal)
Chairman


(R. K. Ahooja)
Member (A)

/as/