

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 967/2000

New Delhi this the 27th day of February, 2001

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

Constable Gulbir Singh  
No. 2763/PCR S/O Sh. Hoshiyar Singh  
posted at Police Control Room,  
New Delhi Zone, R/O F-78, Gali No. 2,  
Ganga Vihar, Delhi-94

..Applicant

(By Advocate Shri Rajeev Kumar  
learned counsel with Shri Sachin  
Chauhan )

VERSUS

1. Union of India,  
through its Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi.

2. Addl. Commissioner of Police,  
P.C.R. & Communications, Police  
Head Quarters, I.P. Estate, MSO  
Building, New Delhi.

3. Addl. Dy. Commissioner of Police,  
Police Control Room, Sarai Rohilla,  
Delhi.

..Respondents

(By Advocate Mrs. Meera Chhibber )

O R D E R (ORAL)

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

In this application, the applicant has challenged the vires of the penalty orders passed by the respondents after holding a departmental enquiry against him, imposing a penalty of forfeiture of two years approved service permanently for a period of two years by order dated 11.9.1998 and rejection of his appeal by the appellate authority by his order dated 8.12.1999.

2. We have heard Shri Rajeev Kumar, learned counsel for the applicant. He has drawn our attention to the relevant documents on record on which he relies

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7 upon, including pages 61-64. He has also referred to a number of grounds taken in the O.A to substantiate his plea that the action taken by the respondents is illegal, arbitrary and unreasonable on the basis of which he has submitted that the impugned order should be quashed and set aside.

3. While referring to the documents on record, including, pages 63 and 64 of the paper book, which documents relate to the illness of the applicant during the relevant period when he has submitted that he was absent from duty, it was noticed that the signature of the applicant, Shri Gulbir Singh, on the medical certificate (copy placed at page 64) is different from the one appearing at page 17 of the O.A. in the verification. During the hearing, learned counsel, on instructions from the applicant who is present in Court, submitted that the signatures at pages 16 and 17 of the OA are not that of the applicant and learned counsel has submitted that this has been written by the Advocate's clerk earlier, before the OA was filed on 19.5.2000. These documents have also been shown to the applicant who has also stated that he has not signed the papers against Paragraph 12 of the OA or below the Verification dated 14.5.2000 on page 17. However, he has categorically submitted that in the medical certificate annexed at page 64, he has signed as Gulbir Singh, which has also been attested by the Dr.himself on 4.7.1996.

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4. Before noticing the above discrepancies in

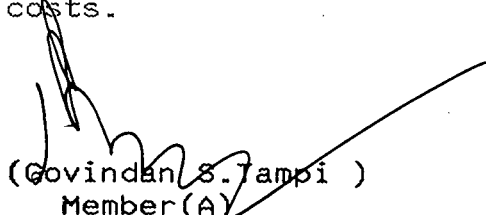
the signatures, as admitted by the applicant and his counsel during the hearing, Mrs. Meera Chhibber, learned counsel has also been heard on the merits of the case. She has submitted that the findings of the Inquiry Officer and the disciplinary authority are based on evidence on record and she has referred to the witnesses who had testified before the Inquiry Officer to support the Department's stand. In addition, on the above ground regarding the signatures of the applicant, learned counsel for the respondents has submitted that the application is not maintainable under the provisions of Section 19 of the Administrative Tribunals Act, 1985, read with Rule 4 and Form 1 of Appendix A of the Central Administrative Tribunal (Procedure) Rules, 1987 which require the applicant to sign the O.A.

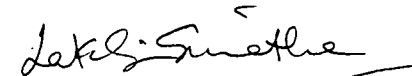
5. Learned counsel for the applicant now prays that he may be permitted to withdraw the OA as he fairly admits that the OA which has been filed has not been signed by the applicant.

6. In view of the fact that OA has admittedly not been signed by the applicant as required under Section 19 of the Administrative Tribunals Act, 1985, read with the Procedure Rules of 1987, the OA is not maintainable. The learned counsel has apologised for

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this mistake which, however, has been tendered far too late because the counsel ought to have ensured that the provisions of law are fully complied with. In the circumstances of the case, the OA is dismissed as not maintainable under the provisions of the Administrative Tribunals Act, 1985. No order as to costs.

  
(Govindan S. Jampi )  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman(J)

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