

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1039/89.

New Delhi, this the 17th day of March, 1994.

SHRI J.P.SHARMA, MEMBER(J).

SHRI B.K. SINGH, MEMBER(A).

Shri Jang Bahadur,
S/o Ratan Lal Babar,
Aged 45 years,
R/o C-596, J.J.Colony, Hastel Colony,
Uttam Nagar, New Delhi-110059,
working as T.No.3474 Vehicle Mechanic,
505, Army Base Workshop,
Delhi Cantt.-10-

...Applicant

By advocate : None.

Versus

1. Union of India, through
its Secretary,
Ministry of Defence, South Block,
New Delhi.

...Respondent

By advocate : Shri K.C.Mittal.

O R D E R (ORAL)

SHRI J.P.SHARMA :


The applicant was working as Vehicle Mechanic at 505, Army Base Workshop, Delhi Cantt. He was served with a memo of chargesheet under rule 14 of the CCS(CCA) Rules, 1965. After completion of the inquiry, the disciplinary authority served a notice of removal from service on 29-10-78. The applicant submitted an appeal in December, 78 which was rejected by the appellate authority on 7-4-1981. The review appeal was also submitted by the applicant in September, 84 to the President which was rejected by the impugned order dated 11-4-86. In this application filed in May, 1989, the applicant has prayed for quashing of the order dated 11-4-86 and that he be reinstated in service. Since the application was barred by time, he has also filed MP 1106/89 supported by an affidavit that the delay in filing the petition may be condoned. The case was admitted on 17-12-89, leaving the question of limitation open. The

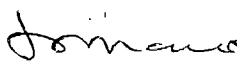
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respondents contested this application taking the ground that on 5-8-74 while mustering out was subjected to routine search and was caught carrying out Pinion and bearing assembling in a bag with an intention to commit theft of Govt. property for his personal gains. It is stated that the enquiry officer has given adequate opportunity to the applicant and thereafter the punishment commensurate with the guilt of the applicant has been imposed.

2. None is present on behalf of the applicant. Shri K.C.Mittal on behalf of respondents is present. Since the matter is of removal from service, we don't propose to dismiss it on merit and only dismiss in default of appearance of the applicant and for non-prosecution. Since nobody is present to press the application for condonation of delay, that application is also liable to be barred by limitation

3. The Original Application and M.P. are dismissed in default, leaving the parties to bear their own costs.


(B.K.SINGH)
MEMBER(A)


(J.P.SHARMA)
MEMBER(J)

/KALRA/