

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH NEW DELHI

Original Application No. 1194 of 1987

Mohinder Singh Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Miss. Usha Savara, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, VC)

The applicant ~~was~~ was appointed as Constable in the year 1960. In the year 1982, he was working at the Accounts Section of the Delhi Police. It appears that some anonymous complaint was received and some enquiry was conducted. It was thereafter a criminal case was registered against him. The charge against the applicant was that he had charged L.T.C. for himself and ^{his} family members although they did not go to the place, for which the L.T.C. was charged. The applicant was required to deposite a sum of Rs. 9,460/-, which he deposited. But he was placed under suspension on 2.3.1983. His charges ranged between the period 1973 to 1981. In all there were nine charges against him. The first charge against him was charging of Rs. 140.65, on 4.4.78 274.35 on account of medical charges. The second charge was in respect of L.T.C. bill for 233.45 though it was only passed for 97.50 on 21.7.78, then L.T.C. bill for Rs. 5,460, less an advance money of Rs. 3000/- i.e. 1660 cashed by him and claiming first class fare instead of second class fare and he also ~~due~~ the amount without availing any kind of leave, T.A. bill for Rs. 41.10, T.A bill for Rs. 75.75 paisa, T.A bill for Rs. 111.65 paisa and bill dated 6.6.1980 for 4000/- cashed on 18.6.1983 for the block of 4 years although he did not avail it. The amount ~~of~~ received

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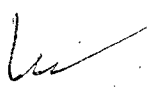
in respect of one month's pay, capitation charges, recovery of uniform articles and that he has been drawing C.A illegally from 27.7. 78 and 2.8.1979 for his children while two of his children were studying in Delhi. The applicant denied the charges against him and an enquiry proceeded. An Enquiry Officer held the charges approved against the applicant and the disciplinary authority acting on it, dismissed the applicant from service vide order dated 3.12.1985, but after issuing show cause notice to the applicant, who gave reply against the same.

2. The applicant filed an appeal against the same. The appellate authority after giving him a personal hearing dismissed the said appeal. The applicant thereafter filed a revision application and the revisional authority also dismissed the revision application passing a detailed order in this behalf. ~~Feeling in the deficiency,~~ In respect of the appellate order, the applicant pointed out that the appellate order was not a speaking order, although personal hearing was given to the applicant. The learned counsel for the applicant contended that the applicant has already deposited the particular amount though no departmental enquiry could proceed against the same. The deposited amount was illegally charged and the departmental enquiry for the misconduct are not one and the same thing. Further the applicant was not charged in respect of one particular offence, but there were various charges against him. Then it was contended that the copy of the anonymous complaint was not supplied to him, which prejudiced his case. It was not the question of supplying the anonymous complaint, but the fact was there was a complaint against him for L.T.C. and the complaint was investigated and the applicant was thereafter associated

Contd..3/-

with the departmental enquiry. The learned counsel contended that, of course, witnesses did not formally prove the charge which have been said, of course it was within the domain of the disciplinary authority to accept the statement or to reject the statement and it was also within the ~~competence~~ ^{competence} to appreciate in a particular manner. It was not the case in which it could ~~not~~ be said that there was no evidence. As far as opportunity is concerned, the opportunity of defence was fully not given to the applicant. The learned counsel contended in the similar circumstances that one Ram Kunwar who was also proceeded by the department, was let off by compulsory retirement, while the applicant was dismissed from service. The revisional authority has rightly pointed out that the cases of each person differ, it may be that in the case of Ram Kunwar, there were not so many charges and ~~that~~ the applicant ~~who~~ was charged on various ~~accounts~~, Accordingly, we do not find any good ground to interfere in the case, it may be as the learned counsel said that of course, the applicant was on the verge of retirement and the punishment was harsh, may be so, but the tribunal is not competent to entering into the quantum of punishment and as such the application is dismissed. No order as to costs.


Member(A)


Vice-Chairman

Dated: 22.12.1992

(RKA)