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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI.

...

Registration O.A. No.1245 of 1987

Shri Jubay Ram                      ...                      Applicant.

Versus

Union of India                      ...                      Respondent.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Ms. Usha Savara, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Khalasi by Dy. General Manager (G) in the Eviction Cell of Estate Officer, Northern Railway Baroda House, New Delhi. He has filed this application against his removal order dated 19.3.1986. The applicant fell sick w.e.f. 21.8.1984 <sup>according to him he had</sup> and ~~has~~ submitted medical certificates from time to time. <sup>he</sup> He however, received a chargesheet <sup>charging him</sup> dated 11.1.1985, <sup>with allegations</sup> of unauthorised absence from 21.8.1984. An enquiry officer was appointed. The applicant appeared before the enquiry officer and according to him no prosecution witness was produced and no admission or denial of the <sup>charges</sup> ~~allegation~~ was done and no examination or cross-examination of the witnesses <sup>took place</sup> ~~was done~~ and even then the enquiry officer recorded the findings <sup>against him</sup> ~~and~~ on the basis of which, he has been removed from service.

2. The learned counsel for the applicant Sri Mainee <sup>strenuously</sup> ~~extensively~~ contended that the entire proceedings were <sup>and</sup> ~~adopted~~ without jurisdiction <sup>which is</sup> manifestly illegal in as much as the charge-sheet was issued by the incompetent authority and he was also removed by the incompetent authority. The order of the

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removal was signed by the Secretary of the General Manager. It may be that the General Manager has passed the order on the file but the communication has been done by the Secretary. But, we are in the dark because the applicant ~~was applicant~~ cannot claim relief on such a ground when himself avoiding in making statement of fact. In case that was so, he could have filed a departmental appeal and in the departmental appeal he ~~he~~ overdid the same. As a matter of fact, we find from the written statement which has been filed by the Respondents that the applicant appeared before the enquiry officer and confessed that he did not inform the administration regarding his absence from duty and he also did not like to produce any defence counsel as per statement dated 2.1.1986. He further confessed on the next date i.e. on 14.1.1986 that he did not submit any intimation to administration about his absence from duty. These admissions of the applicant have been placed on the record and ~~as per~~ in these circumstances the findings were recorded against the applicant and that is why has been removed from service. Although, we are dismissing this application but with the observation that it is a case in which re-appointment can be given to the applicant and as far as possible, re-appointment should be given to the applicant by the respondents. No order as to the costs.

*L. Sanyal*  
Member (A)

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Vice-Chairman

Dated: 24.12.1992

(M.U.)