

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

(5)

O.A. 2660/91

New Delhi on this the 16th day of November, 95.

Hon'ble Shri N.V. Krishnan, Acting Chairman.

Hon'ble Shri D.C. Verma, Member (J).

Shri Radhey Shyam,
S/o Shri Shiv Dutta,
Ex. DSL Fitter (Mech.),
R/o 4/16, Budh Vihar,
Delhi.

..Applicant.

By Advocate Shri R.N.S. Rana (though none appeared).

Versus

1. Union of India through
its General Manager,
Northern Railway Board House,
New Delhi.

2. Sr. Divl. Mech. Engineer/DSL,
Tughlakabad,
New Delhi.

..Respondents.

By Advocate Shri B.K. Aggarwal (though none appeared)

ORDER (ORAL)

Hon'ble Shri N.V. Krishnan, Acting Chairman.

When this case was called for final hearing today on two occasions, none appeared for the parties. Hence, we are disposing of this O.A. on the basis of the pleadings.

2. The applicant, who was a Diesel Fitter in the Railways is aggrieved by his removal from service in disciplinary proceedings vide the order dated 21.12.1990 (Annexure 'C') of the Divisional Mechanical Engineer (Respondent No.2) and the order of the appellate authority dated

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(b)

25.2.1991 of the Senior Divisional Mechanical Engineer dismissing the appeal.

3. The applicant was issued the memo of charges on the basis of which the Inquiry Officer was appointed. He conducted an inquiry wherein the witnesses were examined. The Inquiry Officer submitted his report on 7.11.90 holding that the applicant was responsible for throwing chairs in inspection pit, abusing, threatening and injuring Shri Gurcharan Singh. On the consideration of the Inquiry Officer's report, the disciplinary authority found him guilty and ordered his removal from service which was upheld in appeal.

4. The applicant has filed this O.A. challenging proceedings. We have seen the grounds raised by him. One set of grounds raised is that as this is a criminal offence, the departmental inquiry could not be held. We do not find any substance in this ground. It is then stated that Gurcharan Singh was not medically examined and that assault cannot be established otherwise. This also is not a good ground for assault can also be proved by other evidence. The applicant further states that the inquiry was not conducted properly but no details in regard to this allegation have been given. We, therefore, find that no good grounds have been raised along with the foundation on which they have been raised. The O.A. is, therefore, dismissed. No costs.

(D.C. Verma)
Member(J)

'SRD'

(N.V. Krishnan)
Acting Chairman