

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 1243/93
T.A. No.

199

DATE OF DECISION 1-4-97

<u>Shri R.C.Sharma</u>	Petitioner
<u>Shri Chander Sekhar</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. & Others</u>	Respondent
<u>Shri Vijay Mehta</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. S.R. Adige, Member (A)

The Hon'ble Mrs Lakshmi Swaminathan, Member (J)

1. To be referred to the Reporter or not? *yes*
2. Whether it needs to be circulated to other Benches of the Tribunal? *x*

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 1243/93

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New Delhi this the 1st day of April, 1997

Hon'ble Shri S.R. Adige, Member(A).

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Shri R.C. Sharma
S/o late Sri Girvar Prasad Sharma,
R/o A.105, N.A.P.P. Township,
Narora.

Distt. Bulandshahr(UP).

...Applicant.

By Advocate Shri Chander Sekhar.

Versus

1. Union of India through
Secretary,
Department of Atomic Energy,
New Delhi.
2. Additional Secretary,
Govt. of India, Department
of Atomic Energy,
C.S.M. Marg,
Bombay.
3. Deputy Secretary/
Disciplinary Authority,
Govt. of India, Department of
Atomic Energy, C.S.M. Marg,
Bombay.
4. Chief Administrative Officer,
N.A.P.P. Narora,
Distt. Bulandshahr(UP).

...Respondents.

By Advocate Shri Vijay Mehta.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant, who was working as a Driver with the respondents, is aggrieved by the order passed by Respondent 3 dated 24.1.1992 removing him from service which has been confirmed in appeal by order dated 3.12.1992.

Y.S.

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2. The brief relevant facts of the case are that on 22.6.1990 the applicant met with an accident while driving the Vehicle No. UBB-1893 in which a cyclist was killed. The applicant has himself stated that since the mob collected at the accident site, he ran away from the spot to save his life. According to the applicant, he had tried to contact Respondent 4, the next day but could not meet him or the Safety Engineer. Thereafter, the respondents had issued him a memorandum dated 23.6.1990 asking him as to why he had not reported the matter to the police or the respondents. He was later put under suspension and served with the chargesheet on 17.8.1990. After holding a departmental inquiry, the impugned orders have been passed. It is seen from the application itself that the applicant has himself referred to three other minor accidents which had occurred during his service with the respondents but he submits that for the accident on 22.6.1990, he was not at fault. He has also submitted that the past incidents should not been taken into account as a ground for removing him from service.

3. The respondents have filed their reply disputing the above averments and they have submitted that the impugned orders have been passed after holding an inquiry in accordance with the rules and the penalty imposed is just and fair. They have also submitted

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that on the revision petition filed by the applicant against the appellate authority's order dated 3.12.92, the revisional authority has also dismissed the same by order dated 13.7.1993 after considering all aspects of the case.

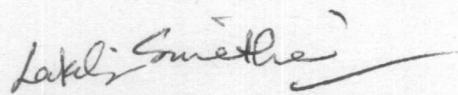
4. We have heard the learned counsel for the parties and perused the material on records. Shri Chander Sekhar, learned counsel for the applicant, had submitted that he would not press the O.A. if the respondents out of humanitarian considerations and having regard to the financial distress, would be willing to consider reengagement of the applicant in a suitable capacity other than a Driver. He had further submitted that the applicant would not claim his past service in case he was reengaged. Shri Vijay Mehta, learned counsel for the respondents, has, however, submitted that in spite of his best efforts, the respondents have shown their inability to reengage the applicant in another post. Therefore, we have considered the pleadings and the submissions made by the learned counsel for both the parties carefully and do not find any merit in this application which justifies any interference in the matter. The applicant has been given reasonable opportunities to defend his case before the disciplinary authority. The facts in the case are not disputed as briefly set out above. We find that the inquiry has been held in accordance with the rules and there was sufficient evidence

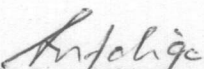
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for the disciplinary authority to come to the conclusion that he did which, therefore, does not warrant any interference. It is settled position that this Tribunal cannot sit as a court of appeal against the decision of the competent authority.

5. In the result therefore, this application fails and is dismissed. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)


(S.R. Adige)
Member(A)

'SRD'