

Central Administrative Tribunal
Principal Bench: New Delhi

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OA No.1983/92

New Delhi, this the 22nd day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K.Muthukumar, Member (A)

Bhani Sahai
s/o Sh. Lal Ji,
r/o Gaur Bhawan,
Gali No. 40, Sadh Nagar,
Palam Colony,
New Delhi.

....Applicant

(By Advocate: Shri V.P.Sharma)

Versus

Union of India through

1. Director General,
P & T Dak Tar Bhawan,
New Delhi.
2. The Post Master General,
Haryana Circle P & T,
Ambala (Haryana).
3. The Sr. Supdt. of Post Office,
Gurgaon Division, Gurgaon (Haryana) ..Respondents

(By Advocate: Shri N.S. Mehta)

O R D E R (ORAL)

[Dr. Jose P. Verghese, Vice-Chairman (J)]

The petitioner was removed from the post he was holding in the capacity of Extra Departmental Agent. The respondents have conducted an inquiry and found the charges to have been proved but the disciplinary authority considering the report of the Enquiry Officer and agreeing with the same has passed a speaking order and instead of passing dismissal order he has passed removal order against the petitioner. The petitioner filed an appeal against the said order and the same was also rejected as time barred.

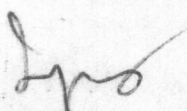
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We have heard both the counsel appearing in this case and we find that there is no valid ground to interfere in the present order since the disciplinary authority himself has considered the entire aspects of the case.

"Though the amount involve is meagre but the integrity of the official is doubtful, accordingly dispensation of his services from the department is justified. Still keeping a lenient view, I have come to the conclusion that Shri Bhani Sahai EDBPM Dongra Ahir (Dismissed) is not a fit person to be retained in public service, accordingly he is hereby ordered to be "REMOVED" from service with immediate effect which shall not be a disqualification for future employment under rule 7(ii) of EDAs (Conduct and Service) Rules, 1964."

Learned counsel for the petitioner at this stage mentioned that even though the removal order has been passed by the disciplinary authority on 16.6.1993 and the said removal order is not a disqualification for future employment under rule 7(ii) of EDAs (Conduct and Service) Rules, 1964. The department may consider his re-engagement since the said post has not been filled up as yet. We do not think that the department will have any objection to reconsider the posting of the petitioner in accordance with the Rules since the order of disciplinary authority itself has mentioned this part as reproduced hereinabove.

With these observations, this OA is disposed of with no order as to costs.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)