

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2729/93

New Delhi this the 12th day of July, 1999.

Hon'ble Sh. V. Ramakrishnan, Vice-Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Surender Kumar Gupta,
S/o Sh. Lajpat Rai Gupta,
C/o Sh. O.P. Gupta,
73-I, Bhoor Bharat Nagar,
Ghaziabad(UP).

.... Applicant

(through Sh. Mahesh Srivastava - Not present even on
second call)

versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Sr. Divl. Mechanical Engineer,
DME (C&W) NDLS, DRM Office,
Pahar Ganj,
New Delhi.
3. Divl. Mechanical Engineer,
DME (C&W) NDLS, DRM Office,
N. Railway, Pahar Ganj,
New Delhi.
4. Divl. Personal Officer,
DRM Office, N. Rly.,
Pahar Ganj, New Delhi.
5. Superintendent, CBI,
CBI Office, Dehradun,
(UP).

.... Respondents

(through Shri R.L. Dhawan, advocate)

ORDER(ORAL)

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

This is the second round of litigation
filed by the applicant impugning the Disciplinary
Authority's order dated 31.3.86 removing him from
service and Appellate Authority's order dated 24.12.92
rejecting his appeal.

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2. None has appeared for the applicant even on the second call and we waited till 4.05 P.M. Accordingly, we have perused the documents on record and heard Shri R.L. Dhawan, learned counsel for respondents.

3. The applicant had earlier filed OA-241/87 which was disposed of by this Tribunal's order dated 17.08.92 whereby the Appellate Authority's order dated 3.7.86 was set aside for non-application of mind. The matter was remanded to the Appellate Authority to reconsider the appeal of the applicant and apply its mind and thereafter pass a reasoned order preferably within a period of twelve weeks from the date of communication of that order. The Appellate Authority, in pursuance of the Tribunal's order has passed the impugned order dated 24.12.92. On perusal of the appeal filed by the applicant as well as the Appellate Authority's order, we find that the authority has considered the contentions taken by the applicant and passed a reasoned order.

4. The respondents in their reply have submitted that in the circumstances of the case, the O.A. may be dismissed as the Appellate Authority has complied with the directions of the Tribunal in its order dated 24.12.92 by passing a reasoned and speaking order. We note that no rejoinder has been filed by the applicant and as mentioned above, none has appeared for the applicant even on the second call.

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5. One of the grounds taken by the applicant in the O.A. is that he had lent Rs.500/- to Shri Alok Kumar against a promissory note and even presuming that this was a misconduct, he cannot be penalised for the same, as no chargesheet was issued to him on this account. We find that the Appellate Authority has made a reference to the making of the pronote on stamp paper and observed that this indicated that the applicant was in the habit of money lending which is contrary to Conduct Rules and can invite disciplinary action. However, he has not accepted this plea. In fact, he has further noted in the order that after examining the whole subject in the light of the various documents and statements on record, he has come to the finding that the applicant was guilty of the charge of taking illegal gratification which is a serious misconduct.

6. Having regard to the facts and circumstances of the case and the documents on record, we do not find any justification to interfere with the case in exercise of the powers of judicial review. The O.A. fails and is accordingly dismissed. No order as to costs.



(Smt. Lakshmi Swaminathan)
Member(J)



(V. Ramakrishnan)
Vice-Chairman(J)