

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15TH DAY OF APRIL, 1998

(3)

Original Application No. 1036 of 1997

HON.MR.S.DAYAL, MEMBER(A)

HON.MR.S.L.JAIN, MEMBER(J)

Madhuban, Crane Driver
No. 23/1972, aged about 48 years
Son of Sri Shiv Dhani, Resident
of Burkapur, Tehsil Phulpur
District Azamgarh

(BY Adv: Sri B.L.Verma) Applicant

Versus

1. Anushasik Pradhikari,
D.R.K. Varanasi.
2. Senior Personal Officer
D.L. Works, Varanasi
3. Union of India through its Secretary
Ministry of Railways, New Delhi.

... . . . Respondents

O R D E R

HON.MR.S.DAYAL, MEMBER(A)

This is an application under section 19 of the
Administrative Tribunals Act 1985.

2. This application has been filed with a prayer for
setting aside the order for compulsory retirement of
the applicant and for direction to respondents to
reinstate the petitioner in service.

3. The facts as stated by the applicant are that the
applicant was appointed as Crane driver Grade I in M.S.
Shop on 21.12.1943. He was given a charge sheet and it
was mentioned in the chargesheet that he had given the
name of his wife as Smt. Saraswati born on 1.1.1948 in
his declarations given in 1987,88,89 and 90. In a
declaration given in 1992 he declared the name of his
wife as Smt. Kismati born on 7.3.46. Similarly the
date of birth of his son Devendra Yadav was given as
10.8.74 in his earlier declaration and his name was not

*Signs /
RJ*

mentioned at all in his subsequent declaration. The name of his other son Dharmendra Yadav is 1.6.82/ 27.12.81 in his earlier declaration and 27.12.81/25.1.82 in his second declaration. He also mentioned Virendra Yadav as his son who was born on 11.3.85. The charge was that he has committed misconduct by showing the names of his wives and it has been mentioned in Annexure 2 to the charge sheet in which details of charges have been given that the applicant is guilty of having two wives and he had not informed the administration about this fact. Similarly, the dates of birth of his son are also given differently in given declaration.

4. The argument of learned counsel for the applicant is firstly that no misconduct is made out and secondly that even if any misconduct have been committed, the punishment is ~~highly~~ disproportionate to the delinquency, if any. The learned counsel prays that the applicant has represented to the respondents against the order of compulsory retirement and directions be issued to the respondents to consider his representations. The learned counsel for the applicant admits that no appeal has been filed against the order of punishment.

5. In the light of the above facts we feel that the charge sheet issued to the applicant was for conduct unbecoming of a government servant and keeping two wives is certainly such a conduct. As far as quantum of punishment goes, this Tribunal cannot take the issue in judicial review specially in the lights of this case. Therefore the admission of this case prayed as

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for is not allowed and the case is dismissed in limine.

John

MEMBER (J)



MEMBER (A)

Dated: 15th April, 1998

UV/