

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 7th day of January 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O. A. NO. 1567 of 2001.

1. Hari Pal Singh s/o Mohan Lal r/o c/o Anand General
Store, Near Pandey Ji Ka Mandir, Chauki Basti, Line
Par, Moradabad... Applicant.

Counsel for applicant : Sri D.P. Singh.

Versus

1. Union of India through Secretary, Ministry of
Telecommunication, New Delhi.
2. Post Master General, Bareilly Region, U.P. Parimandal,
Bareilly.
3. Senior Superintendent of Post Office, Moradabad
Division, Moradabad.... Respondents.

Counsel for respondents : Sri R.C. Joshi.

O H D E R (ORAL)

BY HON. MR. S. DAYAL, A.M.

We find that the application has come to us for setting aside the orders dated 14.9.2000 and 23.2.2001. Re-instatement of the applicant with back wages is also sought. We find that the order dated 14.9.2000, the applicant has been awarded penalty of removal from service. The order dated 23.2.2001, the appellate authority has upheld that the punishment has been ^{properly given} ~~given~~ by the disciplinary authority.

2. The counsel for the applicant has urged that the Apex Court in its judgment in Union of India & others Vs. Mohd. Ramzan Khan (1991) 1 SCC Page 588 has provided that second show cause notice shall be given when order of removal or dismissal is passed. The counsel for the applicant relies on Para 12 in which it has been mentioned

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that there is no material change emanating from deletion of second stage of enquiry, which would ~~mean~~ ^{mean} that the service of notice proposing one of the three punishment mentioned in Article 311(1) ^{is required} and the delinquent officer shall be given an opportunity of representing against the same and being heard. We find that Para 12 does not set up any such proposition but only states that requirement of copy of the report be provided to the delinquent remains unchanged despite deletion of second stage of enquiry. Hence the contention of counsel for the applicant cannot be accepted.

3. Counsel for the applicant has also stated that the defence of the applicant has not been considered by the disciplinary authority. We find that there is a detailed enquiry report in which the defence of the applicant had been duly considered and was found not ~~not~~ acceptable. We find that the disciplinary authority has considered the explanation given by the applicant with regard to the imputations made against him in the memorandum of charges. He has also shown his complete agreement with the report of the enquiry officer. Therefore, this ground raised by the applicant is also not valid. In the circumstances, ^{as} there is no other material ⁺ irregularity ~~with to all~~ ⁱⁿ in conducting the disciplinary proceedings, we ~~therefore~~ find that there is no merit in the application, which is dismissed in limine.

There shall be no order as to costs.

D. M. Asthana

Asthana

A. M.
A. M.