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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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REGISTRATION NO.867 (T) OF 1986

Mohd. Shahid ..... Plaintiff-Applicant.

Versus

Union of India & others ... Defendants-Respondents.

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Hon'ble S. Zaheer Hasan, V.C.

Hon'ble Ajay Johri, A.M.

(Delivered by Hon. S. Zaheer Hasan, V.C.)

Suit No.1091 of 1985, Mohd. Shahid v. Union of India & others, has been received on transfer by this Bench under Section 29 of the Administrative Tribunals Act.

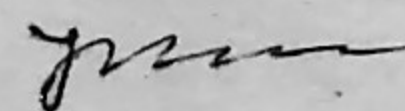
2. The plaintiff was ~~in fact~~<sup>in fact</sup> appointed as a Messenger Boy in the year 1975. It is said that he used to remain on leave without any permission and was a habitual absentee. On 21.11.1980 a charge-sheet was submitted with the allegation that he remained absent during 1979 and 1980 upto a total number of 279 days. He filed written statement on 8.6.1981. His services were terminated on 28.4.1983.

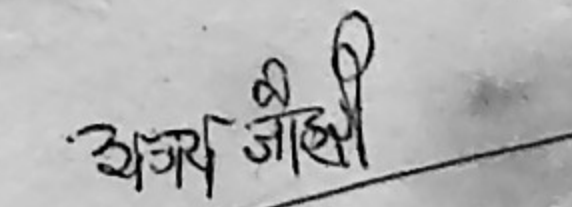
3. The plaintiff's case is that he was ill and it was not a case of unauthorised absence. He further contended that he was not informed about the proceedings which were drawn ex parte against him and no show-cause notice was issued to him. The defence is that the proceedings were drawn according to rules and the plaintiff admitted the charge, so the punish-

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ment order was passed according to law. The original proceedings are before us which shows that on 22.6.1982 the enquiry ~~was~~ <sup>Court</sup> assembled in the office of the Enquiry Officer. The plaintiff, Mohd. Shahid, Syed Mohammad, O.S., Presenting Officer and P.A.Dev, Inquiry Officer, were present at that time. The charges were made out and explained to the plaintiff in Hindi and the plaintiff accepted the charge and promised *The aforesaid 3 persons signed this statement. &* that he will not repeat such an act again. The Enquiry Officer held that in view of this admission no further enquiry was necessary. In view of this admission it was not necessary to hold any further enquiry. The plaintiff was present and in presence of other witnesses the charges were read out and he admitted the same, so on that basis he could be punished. On 16.8.1982 a show-cause notice was issued regarding punishment and since no representation was made the impugned order of punishment was passed. No details has been given regarding the alleged malafidies, so it could not be established that the impugned order was passed due to some bias, etc.

4. We find no illegality in the order of punishment. The application (Suit No.1091 of 1985) is accordingly dismissed with no order as to costs.

  
V.C.

  
A.M.

April 24<sup>th</sup>, 1987.

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