

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1658 of 1992.

Hem Raj...

.....Applicant

vs.

Union of India and others.

....Respondents.

**

HON'BLE MR MAHARAJDIN, MEMBER(J)
HON'BLE MR S DAS GUPTA, MEMBER(A)

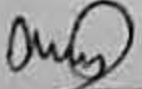
(By Hon'ble Mr Maharajdin, Member-J)

The applicants have filed this application seeking the relief to issue direction to the respondents to reinstate their services and pay their salary and other benefits.

The applicant was appointed as tube-well operator on daily rated basis at Military Farm, Kanpur Nagar in the month of April 1984. The applicant has worked for sufficient number of days as a casual employee to acquire the temporary status. The applicant was assured that his name was being considered for regularisation. It is stated that all of sudden the services of the applicants were terminated in the month of March 1992 on the charge of having been involved in a case of theft.

The respondents filed counter affidavit and resisted the claim of the applicants inter alia on the ground that the applicant had confessed the guilt.

It is further stated that the name of the defaulter cannot be considered for regularisation and the applicant was not entitled to be retained in the Government service.

 We have heard the learned counsel for the parties and perused the record.

In the counter affidavit the respondents have said that since the applicant involved himself in a case of theft, therefore, his services cannot be regularised. The learned counsel for the applicant, during the course of arguments has stated at bar that the relief (B) about regularisation of the services of the applicant is not pressed. He has however confined his arguments so far as Relief (A) is concerned for re-instatement of the services of the applicant with full pay and other benefits. According to the respondents the work and conduct of the applicant were most unsatisfactory and he had stolen the Government property on 23-05-92 and he admitted the guilt in writing vide Annexure CA-1. The services of the applicant were terminated vide order dated 27-03-92 (Annexure CA-2). The representation submitted by the applicant has also been decided vide Annexure CA-3. Since the applicant admitted his guilt of committing theft of the Government property there was no need to hold a detailed enquiry. The applicant has set up a case that his signature was obtained on blank paper and thereafter CA-1 about admission of his guilt was prepared. The statement of the applicant Annexure CA-1 was recorded in presence of as many as four employees who put their signatures in token that the signatures of the applicant were obtained in their presence. Thus when the applicant has admitted his guilt in presence of the witnesses of the same department, he cannot be permitted to resile from the same. The applicant after giving his statement admitting his guilt made a complaint and also lodged F.I.R. (Annexure RA-1 and R.A.2 respectively). The applicant is a literate person and he could easily understand the consequences of making such admission. He made the admission about his guilt at his own peril in presence of the witnesses

Amis

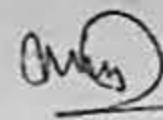
and the same by a subsequent act such as by making complaint or lodging of F.J.R. cannot be retracked.

No departmental enquiry was needed in view of his admission, as such the respondents have not done any illegality or irregularity in passing the impugned order of terminatrion.

In view of the discussions made above we find no merit in the application of the applicant, which is hereby dismissed with no order as to cost.



MEMBER-(A)



MEMBER-(J)

dated: Allahabad, October, 25th 1993.
(VKS PS)
