

Open Court

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated, Allahabad, This the 28th Day of January 2000.

Coram:- Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 4 of 1992.

Vijay Kumar Sharma  
son of Bachas Pati Sharma,  
Indira Colony Chukhkuwala,  
Distt. Dehradun.

. . . Applicant.

(Through Sri H.C. Saxena, Adv.)

Versus

1. Union of India through  
General Manager,  
Board of Administration Canteen Stores Department,  
" ALLIPHI", 119 Maharsi Karve Road,  
Bombay-400020.
2. Manager,  
Canteen Stores Department,  
Jhansi Depot Star Fort,  
Shivaji Lines,  
Jhansi Cantt. 284001.

. . . Respondents.

(Through Sri C.S. Singh, Adv.)

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.))

Applicant has filed this Original Application seeking the setting aside of Order No. 3/A-3/PN-2030/1069 dated 21.9.91 and re-appointment on his post of L.D.C. (Stores) at Central Stores Depot Jhansi.

2. The facts as mentioned by the applicant in his original application are that while he was working on the post of L.D.C. (Stores) Central Stores Depot Jhansi on 24.11.90, a confidential report was made by one Sri M.L. Sharma, Manager, alleging that the

applicant had entered in the office in intoxicated condition fully drunk and shouting and abusing. Applicant was put under suspension by order dated 8.4.91. The order of suspension was revoked by order dated 21.9.91. The applicant was informed on 20.9.91 when he went to join the duty that his name had been struck off the rolls with effect from 7.10.91. A copy of order No. 3/A-3/PN-2030/1069 was also served on him on that date.

3. We have perused the pleadings. The applicant has claimed relief on the ground that provision of Rule 14 of C.C.S.(C.C.A.) Rules 1965 were not complied with, that the applicant had violated no rule of conduct and that powers under rule 15(4) of C.C.S (C.C.A.) Rules have been used arbitrarily.

4. The respondents have filed a counter reply in which they have mentioned that a confidential letter was sent by Sri M.L. Sharma, Depot Manager, C.S.D. Depot Jhansi forwarding the comments of Medical Officer of M.I. Room, Military Hospital Jhansi stating that though the Medical Officer was forbidden to give medical certificate in cases of intoxication. He found the applicant to be under heavy influence of Alchohal by observing his behaviour. A memorandum dated 22.12.90 was served on the applicant in which charges were made and an enquiry was conducted. The report of the enquiry officer was made on the basis of statement of witnesses produced by presenting officer inwhich the applicant was held guilty of the charges levelled against him. It has been stated that the applicant neither attended the enquiry nor sent any intimation with reasons except on first occasion on 6.5.91. Thus due opportunity was given to the applicant but he did not attend the enquiry. The disciplinary

authority's order of compulsory retirement by order dated 21.9.91 revoking the order of suspension before issuing the orders of compulsory retirement. It is mentioned that the order of revocation of suspension as well as order of compulsory retirement were served on the applicant. It has been mentioned that the applicant not only did not defend the case but did not file appeal against the order of the disciplinary authority.

5. In addition to the above we find that the applicant has not filed any rejoinder. There has been no representation in this case on behalf of the applicant from 27.11.92 onwards.

6. We find that the application is not maintainable as the applicant has filed the same without exhausting the departmental channel. The O.A. is therefore dismissed without any order as to costs.

*D. Afridi*  
Member (J.)

*[Signature]*  
Member (A.)

Nafees.