

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 894 of 1992

Allahabad this the 02nd day of April, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr.C.S. Chaddha, Member (A)

Hari Lal S/o Shri Late Palak Ram R/o Village &
P.O.Bugura, Distt.Ghazipur.

By Advocate Shri K.S. Rathore

Applicant

Versus

1. Union of India through General Manager, Govt.
Opium & Alkaloid Works, Ghazipur.
2. The Manager, Govt.Opium & Alkaloid Work, Ghazipur.

Respondents

By Advocate Km.S. Srivastava

O_R_D_E_R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. the applicant has challenged the order dated 22.01.1991 by which he was awarded punishment of dismissal from service by the disciplinary authority, on conclusion of disciplinary proceedings. The order has been upheld in appeal by order dated 12.12.1991, which has also been challenged.

2. The facts of the case are that the applicant was serving as a labour in Govt.Opium and Alkaloid

Works Factory, Ghazipur. On 17.09.89 at 8.30 p.m. he was arrested by Central Industrial Security Forces with 75 grams Morphine Powder, while it was taken out of the factory. The applicant was served with a memo of charge and an Inquiry Officer was appointed. The Inquiry Officer after examining the witnesses, submitted his report on 08.12.90 and found the charge against the applicant, proved. The disciplinary authority agreed with the report of the Inquiry Officer and passed the order of punishment as stated above, which has been upheld in appeal. We have perused both the orders. The appellate authority has considered in detail each and every points raised before it, challenging the order of punishment. The points raised by the applicant have been discussed and replied correctly. We do not find any error in the order. Considering the seriousness of the charge, punishment awarded is justified. We do not find any good ground calling for interference with the orders. The O.A. is accordingly dismissed. No order as to costs.


Member (A)


Vice Chairman

/M.M./

O/R

Misc. Recall application
N.O. 2127/02 with Affidavit
has been filed by applicant
Counsel.

Submitted for order
on 16-5-02.

1/11
7/5/02

M.A.No.2127/02

O.A.No. 894/92ⁱⁿ

16/05/02

Hon.Mr.Justice R.R.K. Trivedi, V.C.
Hon.Mr.C.S. Chadha, A.M.

We have heard Shri K.S. Rathore, learned counsel for the applicant and Km.Sadhna Srivastava, learned counsel for the respondents on M.A.No.2127/02. This application is for review of our order dated 02.04.02 by which the O.A.No.894 of 1992 was dismissed on merits. After hearing the counsel for the applicant at length, we do not find any error apparent on the face of record in the order under review. The applicant's counsel, however, submitted that the applicant was tried in Criminal Court for an offence under Section 8/21 of Narcotics Drugs Psychotropic Substance Act in Session Trial No.431 of 1989 in which the applicant has been acquitted by Judgment and Order dated 06.05.91. Learned counsel has submitted that the applicant, ^{in view of} dismissed from service for the same ^{in fact and order} ~~prosecution~~ in disciplinary proceedings cannot be sustained. He has relied on the Judgment of Captain M. Paul Anthony Vs. Bharat Gold Mines Ltd. and another 1999 S.C.C. (L&S) 810. For this purpose, in our opinion, the applicant should approach the departmental authorities and request them to review their order of punishment on the basis of order of acquittal passed by the Criminal Court. If such an application is filed, it may be decided by a reasoned and speaking order in accordance with law.

Subject to aforesaid observation, this application is disposed of finally.


Member 'A'


Vice Chairman

/m.m./

M.A.No.2127/02
O.A.No. 894/92ⁱⁿ

16/05/02

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