

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD.

O.A. No. 1087 of 1992.

Bishweshwar Sahani Applicant

Vs.

Union of India & Others Respondents

Hon. Mr. Justice U.C.Srivastava, V.C.

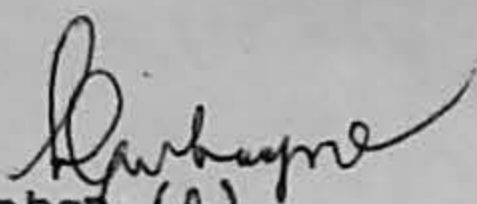
Hon. Mr. K. Obayya, A.M.


(By Hon. Mr. Justice U.C.Srivastava, V.C.)

The Applicant was a coach attendant of first class coach No.1147 of 16 Dn. on 8/9/89. A complaint was lodged against him by a foreign tourist that the applicant has misbehaved with his 12 year old daughter between Varanasi and Chapra at 12.30 P.M., the details of which find place in the complaint itself. It is thereafter that a charge sheet was issued to the applicant containing three charges, (i) Misbehaving with a foreigner (ii) allowing an unauthorised person to sit in the compartment and (iii) sleeping in duty hours. An Enquiry officer was appointed and the Enquiry Officer held an enquiry. It appears that the applicant participated in the enquiry upto a particular stage and after that he did not. According to the applicant full opportunity was not given to him. According to the respondent full opportunity was given to the applicant but he did not like to avail the opportunity after a particular stage and therefore, it was not a case of denial of full opportunity. After the enquiry was held, a report was submitted and the disciplinary authorities removed the applicant from service holding that the charges levelled against him have been proved. The applicant filed an appeal

against the same. The appeal was also dismissed. The applicant has challenged the entire proceeding. He contended that the appellate order is a non-speaking order. 1

2. It cannot be said that the order is a non-speaking order. He challenged the enquiry proceedings on the ground that full opportunity was not given to him. It cannot be said that full opportunity of hearing was not given to him. As the applicant did not like to avail the opportunity only he is to be blamed and not the respondents. Accordingly we do not find any merit in the application^{and} the same is dismissed.


Member (A)


Vice-Chairman

Dated: 18th August, 1992, Allahabad.


(tgk)


O. A No-1087/92

18/8/92

Hon Mr. Justice U. C. Srivastava, V. C.
Hon. Mr. K. Obaeyya, D. M.

Hearl. Judgment has been
dictated in the open Court.


A. M.


V. C.