

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 18th DAY OF JANUARY, 1996

Original Application No. 585 of 1995

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER (A)

Anoop Prakash Saxena son of Sri Siddh  
Gopal Saxena, resident of Flat No. 806  
O.E.F Colony, Bhagwat Das Ghat, Kanpur

.... Applicant

BY ADVOCATE SHRI P.K. SINHA

Versus

1. The Union of India through the  
Director General, Ordnance Factories  
Ordnance Equipment Factories, Gr.  
Head Quarters, G.T. Road, Kanpur
2. The General Manager Ordnance Equipment  
Factory, Kanpur.

.... Respondents

ORDER (ORAL)

JUSTICE B.C. SAKSENA, V.C.

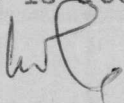
When the OA came up for orders on 31.7.95, the learned counsel for the applicant sought time to file copy of the Enquiry Officer's report. ~~The time~~ <sup>bel</sup> Time was granted but the same had not been filed. On the subsequent two dates also no copy of the Enquiry Officer's report has been filed and it was provided that if the Enquiry report is not filed and none appears on behalf of the applicant, the application shall be disposed of. Today when the case was called out the learned counsel for the applicant has conveniently sent his illness slip. We therefore proceed to decide the O.A pursuant to the earlier orders.

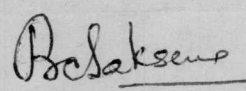
2. The applicant through this O.A challenges the order of punishment of dismissal from service as also the order rejecting his appeal against the said punishment.

3. We have gone through the pleadings contained in the OA as also the impugned orders. The Disciplinary Authority agreeing with the findings of the Enquiry Officer has held the charges to be proved against the applicant and came to the conclusion that an extreme punishment was called for. The Appellate Authority also has given detailed reasons for rejecting the appeal.

4. It is fairly well settled that the Tribunal will not sit as a court of appeal against the findings recorded by the Disciplinary Authority or the Appellate Authority, for that matter. The OA does not disclose that any irrelevant evidence has been taken <sup>into</sup> ~~for~~ <sup>for</sup> consideration or the findings recorded can be ~~xxxxxxx~~ <sup>any</sup> in ~~the~~ manner said to be perverse.

5. In view of the above, we find no merit in the petition which is accordingly dismissed summarily.

  
Member (A)

  
Vice Chairman

Dated: 18th January, 1996

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