

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 24th day of January, 2001.

Coram: Hon'ble Mr. S. Dayal, AM

Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION NO.1517 OF 2000

Ashok Kumar Chaturvedi,
Extra Department Branch Manager,
son of late Sri Ganga Ramji Chaturvedi,
r/o village and Post Office Amolar,
District Kannauj, U.P.

. Applicant

(By Advocate Sri K.N.Saxena)

Versus

1. Union of India, through Secretary,
Ministry of Communication,
Department of Post, Govt. of India,
New Delhi.
2. Member (Personnel),
Government of India,
Department of Post, Dak Bhawan,
Sansad Marg, New Delhi.
3. Director, Postal Services,
Kanpur Region, Kanpur.
4. Superintendent of Post offices,
Fatehgarh at Farrukhabad.

. Respondents

O R D E R

(OPEN COURT)

(By Hon'ble Mr. S. Dayal, AM)

This application has been filed for setting aside the order of dismissal and treating the applicant in service, on the ground that the applicant had not been given opportunity to file reply to charge-sheet and the enquiry is vitiated.

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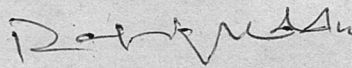
2. We have heard learned counsel.


3. We find that the applicant himself said that show-cause notice to the proposed disciplinary enquiry along with charge-sheet and documents were sent to the applicant, but the same were never served. The Disciplinary authority in its order dated 9.3.98 has mentioned that OM A-25/M was sent at Kanpur address to the applicant, but the applicant was not available at that address. The Sub-Divisional Inspector, Chhibramau was also asked to hand over to the applicant, but he informed that the applicant's father said that the applicant was staying somewhere in Kanpur. Therefore, the charge-sheet could not be served on the applicant.

3. We also find that the applicant was charged with absence from duty on 6.3.93, 17.4.93, 24.5.93, 25.5.93, 25.9.93 and 8.6.93 to 8.7.93, 14.4.94 to 15.9.94 and from 11.12.94 to till date. Therefore, it is clear that the applicant was responsible for the chargesheet not having been served on him.

4. We find that a detailed order dated 9.3.1998 has been passed by the disciplinary authority and the appeal memo was disposed of by an order dated 9.11.98, in which he had raised the issue of non-service of the charge-sheet and this has been answered by the appellate authority.

5. In the circumstances, we do not find any reason to interfere in the orders of disciplinary as well as appellate authority. The application stands dismissed ^{in limine} ~~in limine~~. No order as to costs.


J.M.


A.M.