

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.361 of 1987.

Date of decision: March 22,1990.

Narayan Chandra Rakshit ...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant

... M/s.B.Pal,
S.C.Parija,
O.N.Ghosh,
R.K.Sahoo,Advocates.

For the respondents ...

Mr.Ganeswar Rath,
Sr.Standing Counsel (Central)

.....

C O R A M:

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *Yes.*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

N.SENGUPTA, MEMBER (J) The facts material in this case lie in a short compass.

Admittedly, the applicant was first appointed as a Ward Boy. Subsequently he was promoted as Nursing Assistant in the Dandakaranya Project. While he was working as Nursing Assistant it was alleged that he treated one lady, Smt. Rani Mirdha in an unethical way and assaulted her on 31.3.1984 in his residence. On these allegations, a disciplinary proceeding was drawn up

Member
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and also an F.I.R. was made to the Police which gave rise to G.R. Case No. 153 of 1984 of the Court of Sub-Divisional Judicial Magistrate, Malkangiri. The Disciplinary authority of the applicant was the Chief Medical Officer, Dandakaranya Development Authority. An enquiring officer and a presenting officer were appointed and after receipt of the report of the enquiry, the disciplinary authority imposed the punishment of reduction of the applicant from the rank of Nursing Assistant to the post of Ward Boy for a period of two years and if found fit to be restored to the rank of Nursing Assistant after that period. Against this order of punishment the applicant preferred an appeal but that bore no fruit. He also carried the matter in revision but that also ended against him. In the Criminal case he was acquitted by the Sub-Divisional Judicial Magistrate, Malkangiri. The applicant has averred that in view of the acquittal in the criminal case, on 29.10.1986 he is entitled to be restored to the rank of Nursing Assistant.

2. The respondents in their counter have stated that the charge of ill-treatment meted by the applicant to Smt. Hajari Rani Mircha was duly enquired into and after weighing the evidence adduced in the disciplinary proceeding, the disciplinary authority imposed the punishment. There was a difference in the contents of the charges levelled in the disciplinary proceeding and those in the criminal case. Therefore, the applicant cannot rely on the acquittal in the criminal case as a ground for setting aside the punishment imposed by the Disciplinary authority.

3. We have heard Mr. S.C. Parija, learned counsel for the

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Smt. Hajari Rani Mircha
29.10.86

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4. In view of these circumstances, we would dismiss the application, but however without costs.

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Vice-Chairman

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Member (Judicial)