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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 16.09.1999

O.A. No. 60/1995

Shri Manik Lal Ahasi so of Shri Rupaji aged about 46 years resident of Sabla Distt. Dungarpur - 314 022, last employed on the post of Sub Postmaster LSG Sagwara SO Dungarpur Division, Rajasthan.

... Applicant.

versus



1. Union of India through Secretary to Government of India, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. The Director Postal Services, Office of the Postmaster General, Rajasthan Eastern Region, Ajmer.
3. The Superintendent of Post Offices, Dungarpur Division, Dungarpur - 314 001.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Ramesh Singh, Adv., Brief Holder for Mr. Vinit Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Singh)

Applicant, Manik Lal Ahasi, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 14.9.92 (Annexure A/1), order dated 30.8.93 (Annexure A/2) and order dated 31.1.94 (Annexure A/3) with all consequential benefits.

Gopal Singh

2. Applicant's case is that while he was working as LSG PA, he was served with a charge sheet vide Memo dated 14.9.92 (Annexure A/1). On conclusion of the departmental enquiry, a penalty of compulsory retirement was imposed on the applicant vide Disciplinary Authority's order dated 30.8.93 (Annexure A/2). An appeal filed by the applicant against this order was also rejected vide order dated 31.1.94 (Annexure A/3). The contention of the applicant is that the processing of departmental enquiry against the official was vitiated as many of the additional documents demanded by the applicant which were relevant for proving his innocence were not made available to him. Secondly, it is alleged by the applicant that the order of the Disciplinary Authority are contradictory order and the order of the Appellate Authority has been issued without application of mind.

3. Notices were issued to the respondents and they have filed the reply.

4. We have heard the learned counsel for the parties and perused the records of the case carefully.

5. A perusal of the records reveal that there is no procedural lapse in processing the case against the applicant. Only thing is that some of the additional documents demanded by the applicant were not made available to him. It has not been made clear by the applicant as to how non-availability of these documents caused prejudice to him. Moreover, we find a certificate at page 100 of the O.A. filed by the applicant to the following effect:-

CERTIFICATE FROM THE ACCUSED OFFICIAL

Certified that all the add. documents listed above and on reverse of this letter have been inspected by me in the presence of my defence assistant on today i.e. 16.3.93 from 0900 Hrs to 1300 Hrs and extracts of these documents have also been taken by me. I have also received the photocopies of all the documents desired by me.

Sd/-
(Sh. L.L. Meena)
Defence Assistant

Sd/-
(Sh. M.L. Ahari)
Accused Official "

Thus, the contention of the applicant in this regard cannot be accepted.

(Signature)

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6. The order of the Disciplinary Authority is a speaking order and cannot be faulted. In the appellate order also, we do not find any infirmities.

7. In the light of the above discussions, we do not find it to be a fit case for our interference. The application is thus devoid of any merit and deserves to be dismissed.

8. The O.A. is accordingly dismissed with no order as to costs.

Gopal Singh

(GOPAL SINGH)
Adm. Member

A.K. Misra

(A.K. MISRA)
Judl. Member

cvr.