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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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Date of Order : 13.12.2001.

O.A.NO. 29 of 1998

Akbar Ali S/o Late Shri Shaukat Ali, aged about 35 years, R/o 10/176, Ist Poolia, Choparani Housing Board, Jodhpur (Last employed as a Storekeeper, 510, Army Base Workshop, Meerut Cantt.

.....Applicant.

VERSUS

1. The Union of India through Secretary, Ministry of Defence, New Delhi.

2. Commandant, 510, Army Base Work-shop, Meerut Cantt.

.....Respondents.

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CORAM :

Hon'ble Mr. Justice O.P.Garg, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

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Mr. Y.K.Sharma, counsel for the applicant.

Mr. Vinit Mathur, Counsel for the respondents.

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ORDER

PER HON'BLE MR.JUSTICE O.P.GARG :

The applicant has been removed from service. The departmental appeal filed by him has also been dismissed. Aggrieved by the orders of removal and rejection of appeal, the applicant has come up before this Tribunal by filing this O.A. under Section 19 of the Administrative Tribunals Act, 1985.

2. Heard Shri Y.K.Sharma, learned counsel for the applicant and Shri Vinit Mathur on behalf of the respondents.

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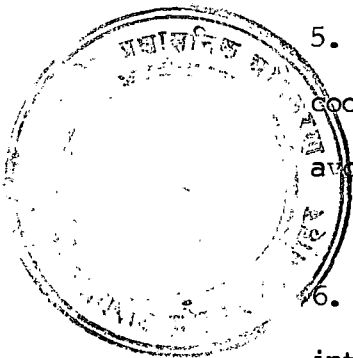
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3. After having been appointed on the post of Store-keeper, the applicant joined on 20.9.1993. After about 10 days of his joining, he absented himself and continued to remain absent in an un-authorised manner for an in-ordinate long period. Consequently, a departmental inquiry was initiated against him. After inquiry, he was found guilty and was awarded the punishment of removal from service by the disciplinary authority. Against the order of removal the appeal filed by the applicant failed.

4. Shri Sharma, the learned counsel for the applicant urged that it is a case in which an ex-parte departmental inquiry was conducted and certain documents which should have been supplied to the applicant were never made available to him. It is also stated that the appellate authority has not afforded an opportunity of personal hearing to the applicant and consequently, the order passed by the appellate authority as well as the disciplinary authority stand vitiated.

5. Shri Vinit Mathur pointed out that it was a case of total non-cooperation in the departmental inquiry by the applicant who deliberately avoided to participate in the inquiry.

6. After having heard the learned counsel for the parties and taken into consideration the documents on record and the circumstances attending the case, we find that this O.A. is completely devoid of any merits. The applicant has committed gross mis-conduct by absenting himself in an unauthorised manner just after 10 days of his taking the appointment. No substantial or valid reason was put-forth by the applicant for his long continued un-authorised absence. It appears that the applicant was not interested in pursuing the job which he was provided. He also did not make himself available to take part in the disciplinary proceedings. The Inquiry Officer and the Disciplinary Authority had no option but to conclude the inquiry according to law in



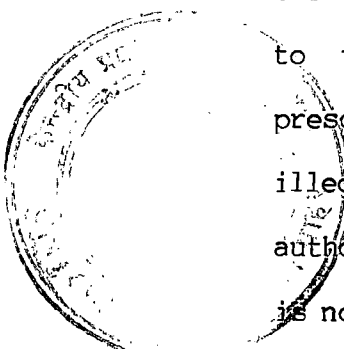
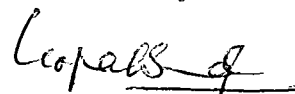
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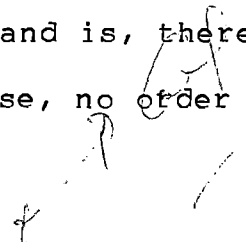
the absence of the applicant. The order of removal, in the circumstances, is quite justified, reasonable and appropriate. The situation was brought about by the applicant himself as he was not interested to continue in service.

7. The plea that the appellate authority did not afford a personal hearing to the applicant is of no consequence for one simple reason that no prejudice has been caused to the applicant by not providing such an opportunity. When the applicant did not cooperate or participate in the inquiry, no useful purpose would have been served by affording an opportunity of personal hearing to the applicant by the appellate authority.

8. It may be pointed out that this Tribunal is not required to sift the merits of the case as an appellate authority. It has simply to look to the procedural aspects governing the inquiry. The procedure prescribed for inflicting the penalty in question has been followed. No illegality or irregularity has been committed by the disciplinary authority or the appellate authority in passing the impugned orders. It is not a case fit enough which warrants our interference.

9. The O.A. turns-out to be merit-less and is, therefore, dismissed. In the circumstances of the case, no order as to cost is required to be passed.



(Gopal Singh)
Adm. Member


(Justice O.P. Garg)
Vice Chairman

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Part II and III destroyed
in my presence on 28-5-07
under the supervision of
section officer () as per
order dated 13/3/02

N. G. K. M.
Section officer (Record)

ORDER