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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

ORIGINAL APPLICATION NO. 175/2009

Date of order: 10.08.2011

CORAM:

HON'BLE DR. K.B.SURESH, JUDICIAL MEMBER

HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER

Sukh Ram S/o Shri Bhanwar Lal aged about 32 years, resident of Quarter No. 1157/1, Latif Colony, Air Force Station, Jodhpur, at present employed on the post of Civilian MTD, PA No. 43375-K, in Mech. Squadron, No. 32 Wing Air Force C/o 56 A.P.O.

.....Applicant

VERSUS

1- Union of India through Secretary to Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.

2- Air Officer Commanding-In-Chief, HQ, South Western Air Command, IAF, C/o 56 A.P.O.

3- Air Officer Commanding, No. 32 Wing Air Force C/o 56 APO PIN 936832.

... Respondents

Present :

Mr.J.K.Mishra, Advocate, for applicant.

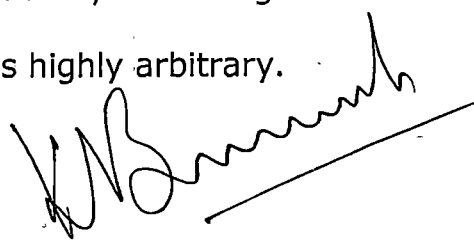
Mr. Kuldeep Mathur, Advocate, for respondents.

ORDER (Oral)

(Per Dr. K.B. Suresh, Judicial Member)

Heard both counsels in great detail on the charges against the applicant and their maintainability.

2. Both counsels took us through Article - I. The Article-I relates to the charges framed against the applicant and relates to the incapability of a Vehicle to grant or give adequate mileage as decided by the authorities. The mechanical failure or not of a Vehicle cannot be laid at the feet of a Driver, or even a Mechanic for that matter. At the very first instance itself this ground and Article cannot lie against anybody. It is clearly an abuse of the process and we hereby quash the Article-I, as it is against Wednesbury Principle of reasonableness, and is highly arbitrary.



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2. The Article-II of the charge is related to a complaint made to the police by the applicant for his having been man-handled by an Air Force official. Whether such a complaint fails or not, the Magistrate Court will decide at the appropriate time. It is the right of every citizen to file a complaint in this free country against anybody. This Article-II of the charge is, therefore, also quashed, as it is against the spirit of constitutional provisions.

3. As regards the Article-III, it relates to false medical certificates apparently given by the applicant, with telling details. We are convinced that this matter is required to be looked into during a properly conducted departmental inquiry. Therefore, we up-hold the decision of the authorities to conduct a departmental inquiry against the applicant on this charge levelled against the applicant, with his due rights protected. The Articles I and II are already quashed. The O.A. as regards these two Articles is allowed but as regards the Article - III, the O.A. is dismissed.

4. No costs.


(Sudhir Kumar)
Administrative Member


(Dr.K.B.Suresh)
Judicial Member

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