

AB

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 98 of 1990

Mahendra Pratap Singh

Applicant

versus

Union of India & others

Respondents.

Shri B. Solomon/
Shri M. Dubey

Counsel for Applicant.

Dr. Dinesh Chandra

Counsel for Respondents

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Extra Departmental Branch Post Master on 14.11.84, after observing the formalities and due process of law. He was put off duty w.e.f. 15.5.86 and a charge sheet was issued to the applicant vide Memo dated 10.11.87 received by him on 14.11.87. The enquiry proceeded which could not be concluded within 4 months and the enquiry report was submitted on 22.4.88. On the basis of the enquiry report the disciplinary authority dismissed the applicant from service vide order dated 28.4./27.5.88. The appeal filed by the applicant was also rejected vide order dated 30.3.89.

2. The charge against the applicant was in respect of misappropriation of certain amount and irregularities in the matter of deposit etc. Enquiry was conducted and

the enquiry officer concluded the enquiry. The learned counsel for the applicant strenuously contended that full opportunity was not given to the applicant and the whole proceedings is vitiated and violation of principles of natural justice has been done. It was further contended that the procedure contained in C.C.S. Rules has not been complied with. It has been contended that a person should not be put off duty because the period of enquiry lingered on and that is not a ground for setting aside the enquiry. Even the enquiry is not concluded within 4 months both the parties can be responsible. The respondents were within their right. The punishment has been said to be not commensurate with the charges. The Tribunal cannot interfere in the same. The applicant to approach the higher authorities telling them that it was a case of irregularity and he was not benefited. Obviously it is for the authorities to consider the case of the applicant. We cannot interfere in the same and the application is dismissed. No order as to costs.

Adm. Member.

Vice Chairman.

Shakeel/

Lucknow: Dated: 14.9.92