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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No. 313 of 1991

this the 17th day of May'2000.

HON'BLE MR D.V.R.S.G. DATTATREYULU, MEMBER (J)
HON'BLE MR S. MANICKAVASAGAM, MEMBER (A)

Krishna Kumar Srivastava ... Applicant

Versus

Union of India & others ... Respondents

Sri R.K. Yadav : Advocate for the Applicant

None : Advocate for the Respondents

O R D E R

D.V.R.S.G. DATTATREYULU, MEMBER (J)

The applicant in this case prays for quashing of the punishment order under Annexure 1 & 2 and for treating the applicant as in service with all attendant benefits.

2. The applicant was appointed to the post of Social worker in 1967. The petitioner went to Lucknow after taking Casual leave of 6th and 7th June, 1980. He extended his leave on medical grounds upto 10.11.80. He was on leave upto 5.6.85. When he wanted to join duty on 6.6.85, he was not allowed to join. A charge sheet was given on 14.3.80. He was not given the necessary documents. The enquiry conducted is not according to the principles of natural justice. Therefore, the punishment awarded has to be set-aside.

3. The respondents filed Counter denying the allegation -s parawise. It is stated that the applicant has not attended his duty, therefore, the enquiry was ordered against him and framed the charges. The applicant was given all the facilities. The enquiry was completed and the charges were proved, therefore, he was removed from service.

4. The applicant filed the Rejoinder contesting the various averments made in the Counter.

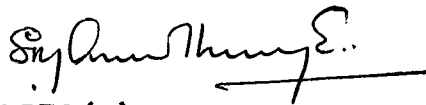
5. We have heard the learned advocate appearing for the applicant. There is no representation for the respondents. Hence, we have perused the Application, Counter, Rejoinder and Annexures filed by both sides.

6. The point for consideration is whether the applicant's prayer to quash the proceedings have to be granted or not ?

7. It is seen from the reply filed on behalf of the respondents that every opportunity was given to him in the enquiry to defend him against the charges framed. A perusal of the enquiry report Annexure-6 would go to show that the applicant was given full opportunity with regard to his filing defence and preliminary hearing and inspection of documents. It is also seen at page 3 of the enquiry report (page 30 of the paper book) that the applicant attended the regular hearing on 20.1.87 and the enquiry was completed on the date itself. The enquiry officer considered all the materials and came to the conclusion that the charge of absconding from duty is established. The Tribunal is not ^{to} sit as an appellate court of appreciation of evidence. In fact, ~~the revision orders under Annexure-5 (advocate for the applicant has translated at the time of arguments) has not shown~~ ⁱⁿ any illegality in the matter. ^{moved} The applicant has not a little figure for all these years when he was not attending his duties, that itself shows that the applicant was unauthorisedly absent. On ^{the} consideration of Annexure 1 & 2 would go to show that the authorities have considered the case of the applicant thoroughly and clearly and passed orders rejecting the appeal made by the applicant. The appellate order is speaking ~~and~~ ^{thoroughly} considered order.

8. The learned counsel for the applicant has relied upon the decision of in the case of Tirlok Nath Vs. Union of India & others (reported in 1967 S.L. 759), which shows that a reasonable opportunity should be given to the delinquent and permission to inspect the documents should be afforded. In the present case, the applicant had ^{not} afforded the opportunity.

9. In view of the discussion made above, there are no merit in the application and the same is accordingly dismissed. No costs.



MEMBER (A)

LUCKNOW: DATED: 17.5.2000

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MEMBER (J)