

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 394/92

Lucknow this the 6th day of May, 1996.

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. V.K. SETH, MEMBER(A)

Ashok Kumar Singh, I.P.S. son of late Gulzari Lal, at present posted as Joint Director, Civil Defence Jawahar Bhawan, Lucknow.

Applicant.

By Advocate Shri S.N. Chaturvedi.
versus

1. Union of India through Secretary to Government Home Affairs, New Delhi.
2. Secretary to Government Home Department, Civil Secretariat, Lucknow.
3. Secretary, U.P.S.C. New Delhi.

Respondents.

By Advocates:

Shri A.K. Chaturvedi.

Shri Anoop Kumar.

O R D E R (ORAL)HON. MR. JUSTICE B.C. SAKSENA, V.C.

We have heard the learned counsel for the parties.

2. The applicant through this O.A. seeks quashing of order dated 25.2.91 passed by Sachiv, U.P. state, Home Department, imposing punishment of censure on the applicant. He also challenges the order passed by the appellate authority rejecting his appeal.

3. The applicant, alongwith his family members including his son aged about 11 years then, had gone for boating in the Bank of river Ramganga. It is alleged that the Boat capsized and the applicant's son

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jumped out of the boat and stayed in the Corbet National park unknowingly. It was alleged that the applicant's son, a minor fired a few shots, licence of which was in the name of applicant's wife i.e. the mother of the said minor. A charge sheet was issued to the applicant alleging that he illegally entered into the Corbet national park and also carried 12 bore Single barrel Gun alongwith him. It was further alleged that the applicant's son fired 4-5 shots wounding a deer. The learned counsel for the applicant urged that though the gun was seized on 2.1.82 and was deposited in Makhana by the order of Munsif Magistrate, Kashipur next day i.e. 3.1.82 while the so called legs hairs etc. were deposited on 20.2.82, after much delay and no expert opinion was sought with regard to genuineness of the so called legs.

4. This Tribunal does not sit in appeal over the findings of the Disciplinary Authority. The Disciplinary Authority held the applicant guilty of negligence and carelessness. ~~xxxxxxsoxxbarxxasxxbarxxfailed~~ ^{BC}

On the recommendation of the U.P.S.C. the punishment of censure was imposed on the applicant. No illegality in the conduct of the proceedings have been urged by the learned counsel for the applicant. Thus, it is difficult to interfere with the order of censure. The appellate authority has also considered the relevant facts and after assigning good and cogent reasons has rejected the appeal preferred by the applicant. No other points have been urged. The O.A. therefore, lacks merit and is accordingly dismissed. Costs on parties.

MEMBER (A)

VICE CHAIRMAN

Lucknow: Dated: 6.5.96
Shakeel/