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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO.621/87

199

~~XXXXXX~~

DATE OF DECISION 4.11.1993.

Shri K.H. Borkar.

Applicant(s)

Versus

G.M. Ord. Factory, Chandrapur & Anr.

Respondent(s)

1. Whether it be referred to the Reporter or not ? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? NO

N.K. Verma
(N.K. VERMA)

MEMBER (A).

M.S. Deshpande
(M.S. DESHPANDE)

VICE CHAIRMAN

mbm:

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, CAMP AT NAGPUR.

O.A.621/87.

Shri K.H. Borkar.

.. Applicant.

V/s.

G.M., Ord. Factory, Chanda & Anr.

.. Respondents.

Coram : Hon'ble Shri Justice M.S. Deshpande, Vice Chairman.
Hon'ble Shri N.K. Verma, Member (Admn.)

Appearances:

1. Mrs. Shirpurkar, Counsel for the Applicant.
2. Shri Ramesh Darda, Counsel for the Respondents.

ORAL JUDGMENT :

Dated : 4.11.1993.

§ Per : Hon'ble Shri M.S. Deshpande, Vice Chairman §

Two points have been raised by the learned Counsel for the applicant one is about the order of removal of the applicant who had committed theft of certain articles from the Ordnance Factory, Chandrapur. The charge sheet dtd. 27.9.1976 was issued on the applicant and the departmental enquiry was also initiated against the applicant. Simultaneously criminal proceedings were started. On 26.8.1982 the applicant was acquitted of the offence under Section 381 of Indian Penal Code and Section 124 of Bombay Police Act. The Enquiry Officer held that the applicant was guilty in the enquiry report dtd. 26.10.1979. The punishment of removal from service was imposed by the Disciplinary Authority on 31.12.1979.

2. The applicant has made representations from December, 1982 to April, 1986 complaining that as he was not found guilty of criminal charges, the charges in the departmental enquiry should not be acted upon. These representations came to be dismissed on 29.1.1987.

3. With regard to his first submission that the applicant should not have been found guilty and removed from service, as a result of departmental enquiry because of the findings of the criminal court, no such rules or instructions have been brought to our notice. It is difficult for us to accept as a proposition of law that after findings are recorded by the criminal Court departmental action could be reviewed and ~~as we see~~ justification for doing so in the present case.

4. The second point was that during examination of witnesses in the departmental enquiry, the enquiry officer put questions in the notice of cross examination to the witnesses. We do not see how he could be prevented from doing so if it was necessary for bringing out the truth, ~~there is no merit in this~~ contention also.

5. We see no merit in the application and the application is dismissed. No order as to costs.

N.K. Verma
(N.K. VERMA)

MEMBER (A).

M.S. Deshpande
(M.S. DESHPANDE)

VICE CHAIRMAN.

H.