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

D.A.NO. 563/88

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DATE OF DECISION 4.11.1993

Shri N.C. Karmarkar

Applicant(s)

Versus

G.M., Telecom, Bombay & Another.

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

*M.S. Deshpande*  
( M.S. DESHPANDE )  
VICE CHAIRMAN

mbm

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Before The Central Administrative Tribunal  
Bombay Bench, Camp at Nagpur.

O.A.563/88.

Mr.N.C. Karmarkar.

.. Applicant.

V/s.

G.M., Telecom, Bombay & Another.

.. Respondents.

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

Appearance:

Mr.M.M. Sudame, Counsel  
for the applicant.

ORAL JUDGMENT :

Dated : 4.11.1993.

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

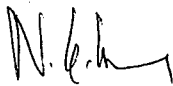
The applicant was a Pre-check (Telecom) Accounts Clerk in the office of the District Engineer Telegraph, Chandrapur. The applicant was charge sheeted on 27.12.1985 for having abused his superior the District Engineer Telegraph and attempted to snatch the papers from him. The charge sheet was for a major penalty which came to be cancelled and another charge sheet was given to him in respect of same offence after informing the applicant that the earlier charge sheet was being cancelled and fresh charge sheet was being issued to him. After hearing the applicant he was punished with withholding of the next increment for 3 years. He unsuccessfully appealed to the higher authorities and has now approached to this Tribunal for relief.


2. The only ground raised by the Learned Counsel for the applicant was that he was not given an opportunity to defend himself against the punishment proposed by the disciplinary authority.

3. It is apparent that first charge sheet was withdrawn as action was to be initiated against the applicant

~~an~~ fresh charges as pointed by the Appellate Authority and this was clearly permissible. With regard to the contention that the Disciplinary Authority himself was a witness at the enquiry, Shri Sudame fairly stated that in second enquiry the District Engineer, Telephones was a witness but not the enquiry officer. We are not impressed by the submission that the Disciplinary Authority should not have accepted the evidence of a sole witness because it is not for us to consider whether the evidence was sufficient or adequate to reach the conclusion. There was material on the basis of which the findings could be reached and the action cannot be faulted on this ground.

4. We see no merit in this application and accordingly stands dismissed. No order as to costs.

  
( N.K. VERMA )  
MEMBER (A).

  
( M.S. DESHPANDE )  
VICE CHAIRMAN.

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