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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN', BLDG NO. 6  
PRESCOT ROAD, BOMBAY-1  
CAMP: NAGPUR

OA No.215/88

Shri Krushnamurty Pandurang Shegamwar  
C/o. B S Hadke, Type I, Sec.IV, Qr.No.71A  
Ordnance Factory, Chanda 442501

...Applicant

V/s.

General Manager  
Ordnance Factory, Chanda

..Respondent

Coram: Hon.Shri Justice M.S.Deshpande, V.C.  
Hon.Shri M Y Priolkar, Member (A)

APPEARANCE:

Mr. Kshirsagar  
Counsel for applicant

Mr. R. Darda  
Counsel for respondents

ORAL JUDGMENT:

DATED: 29.7.93

(Per: M.S.Deshpande, Vice Chairman)

Heard the counsel.

The applicant has questioned his removal from service as a result of the departmental inquiry in respect of two charges, one being of man-handling another employee in the canteen and the second of having consumed alcohol. The Inquiry Officer after examining the witnesses held that the charge of man-handling or assulting a co-worker was not established. He, however, held that the charge that the applicant <sup>had</sup> of having consumed alcohol was proved. For the ~~second~~ finding ~~on~~ the second charge the Inquiry Officer relied on the evidence of the Security Guard who stated that when he took the applicant for medical examination the applicant's breath was smelling of alcohol and he was talking irrele~~e~~vently. Though the

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Doctor's evidence could have been produced it had not been produced, nor was the medical certificate produced. Obviously on the point of consumption of alcohol the mere statement that the applicant was smelling of alcohol could not have been in any way decisive and his irrelevant talk also cannot be indicative of consumption of alcohol when particularly it was after the incident of quarrel he was removed to the Doctor.

In the circumstances, we do not think that there was adequate or sufficient evidence on the facts on which reliance could have been placed in connection with consumption of alcohol. Evidently, this is a case of no evidence and perverse findings.

In the result, the removal of the applicant cannot be supported. We set aside the order of removal and direct the applicant to be reinstated in service with backwages and continuity in service. Reinstatement shall be done within two months from to day. No order as to costs.

  
(M Y Priolkar)  
Member(A)

  
(M S Deshpande)  
Vice Chairman

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