

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.610 of 2005

Date of order : 14th September, 2005

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Hon'ble Mr. Mantreshwar Jha, Member [Administrative]

Dinesh Kumar Gupta

Applicant

Vrs.

Union of India & Ors.

Respondents.

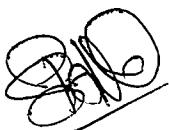
Counsel for the applicant : Shri S.N.Tiwari

Counsel for the respondents : Shri S.C.Jha, ASC.

O R D E R

By P.K.Sinha, V.C. :-

Heard the learned counsel for the applicant and the learned ASC for the respondents. The applicant has challenged the order of dismissal vide order dated 27.4.1998 [Annexure-1] as well as the order of the Appellate Authority who had rejected his appeal, which was filed after the applicant was punished on departmental inquiry. The undisputed facts are that the applicant, while working as EDBPM at Baghi Bardiha EDBO under Nawada



H.O. faced a departmental inquiry on some charges and before the Inquiry Officer, he admitted all the charges whereafter, finding was recorded that the charges were proved and the Disciplinary Authority punished with removal from the panel. On consideration of the appeal, the matter was remitted back to the Disciplinary Authority for providing the applicant a chance to file representation against the findings in the inquiry report, ordering that the departmental inquiry should proceed de novo from the stage of providing him a copy of the inquiry report which was done and the same order again was passed. The appeal was also dismissed. Thereafter, a review application was filed and when the same was not disposed of, the applicant filed O.A. No.458 of 2002 which was, under orders of this Tribunal, remanded back to the Respondent No.1, who was also exercising powers of the Chairman of the Postal Service Board to decide the review application. That was also done vide Annexure-A/3, which is a quite detailed order.

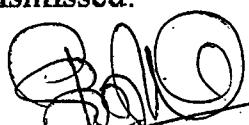
2. The main contentions of the ld. counsel is that while admitting the charges before the Inquiry Officer, the applicant was not mentally alert, hence he wrongly admitted the charges. However, we find that after the Disciplinary Authority awarded punishment to him, he came up with a technical plea that he was not given a copy of the inquiry report to comment

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upon whereafter the matter was remitted back to the Disciplinary Authority. Thereafter the appeal was again considered and the same was dismissed. Thereafter, the applicant came in O.A. before this Tribunal after filing a review application before the competent authority. Therefore, it appears that ^{all along} the applicant was mentally alert to his rights, particularly when he filed his appeal against the punishment awarded to him, soon thereafter, with the grounds in favour of his pleas. Therefore, the plea that he was not mentally alert, has no legs to stand upon. The order of the Reviewing Authority is quite exhaustive. It will appear from Annexure-A/2, order of the Appellate Authority, that the main contentions of the applicant was related to the order for de novo proceeding from the stage of providing inquiry report to the applicant [as earlier passed by the Appellate Authority]. Therefore, from this, it also appears that the other ground was not insisted upon.

3. In that view of the matter and in view of what has been stated above, we do not find that the applicant has any *prima facie* case to be considered by this Tribunal. That being so, this O.A. is dismissed.

[Mantreshwar Jha]
Member[Admn.]


[P.K. Sinha]
Vice-Chairman

mps.