

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.

O.A. No. 229/90
(T.A.No.205/92 T.L.)

Date of decision 26/8/94.

Mahesh Narain Tripathi :::::::::: Applicant

(By Shri R.K.Tiwari, Vs.
Advocate)

Union of India &
Others. :::::::::: Respondents.

(None)

HON'BLE MR. JUSTICE B.C. SAKSENA, VICE CHAIRMAN.
HON'BLE MR. K.MUTHUKUMAR, MEMBER (ADMN.)

J U D G M E N T.

(By Hon; Mr.Justice B.C.Saksena,V.C.)

When the case was called out the learned counsel for the applicant did not appear. The respondents have put in an appearance/ ~~one~~ through Shri K.C.Sinha, the then additional standing counsel. Since the C.A. & R.A. has been exchanged we have gone through the paper-book. The applicant has challenged the order removing him from service passed by respondent No.1 on 31-5-89. He has also challenged the order passed by the appellate authority confirming the said punishment. The appellate authority's order is dated 30-1-1990. The applicant was charge-sheeted on the allegation that he had been negligent in making payment of N.S.C. to another lady. Smt. Shyama Devi, Wife of Shri Ganga Ram, had purchased N.S.C. worth Rs.700/- and the said N.S.C. matured on 21-12-87. Smt. Shyama Devi, according to the applicant, died in the month of May, 1983. After a detailed enquiry

the Enquiry Officer found the charges to be proved and the disciplinary authority passed the order removing him. The appellate authority has also passed a detailed order after considering all the pleas advanced by the applicant. It is fairly well settled that this Tribunal would not sit in a Court of appeal and assess for itself the charges for defence. The applicant had taken the plea that one Shri Ram Rang was working as ^{substitute} E.D.B.P.M. and he is responsible for this. His sister Smt. Kewala Patel impersonated herself as Smt. Shyama Devi and received the payment of N.G.S. The payment to another lady is admittedly proved. As a matter of fact no legal ground indicating breach of statutory provisions in the ~~quantum~~ of disciplinary proceedings has been raised in the O.A. The O.A. lacks merit and is accordingly dismissed.


MEMBER (ADMN.)


VICE-CHAIRMAN.

Dated: 26/8/94, Lucknow.

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