

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.

T.A. 1786/86
(C.S. 442/81)

Date of decision
4.2.1993

UMAR KHAN ... Applicant.
Mr. Surendra Singh ... Counsel for the Applicant.

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UNION OF INDIA & ORS ... Respondents.
Mr. V.S. Gurjar ... Counsel for the Respondents.

CORAM :-

The Hon'ble Mr. Justice D.L. Mehta, Vice Chairman.
The Hon'ble Mr. B.B. Mahajan, Admn. Member.

PER THE HON'BLE MR. B.B. MAHAJAN, ADMN. MEMBER :-

The applicant, Umar Khan, had filed a civil suit in the court of learned Additional Munsif, Court No.2, Jaipur against the punishment of recovery of Rs. 2170/- and stoppage of one increment without cumulative effect imposed upon him. The suit has been transferred to this Tribunal U/s 29 of the Administrative Tribunals Act, 1985.

2. The applicant was working as Chowkidar under the respondents. A typewriter was stolen from the premises on 8.11.80 when he was on duty. A chargesheet was issued to him on 15.11.80. An inquiry was held in which the charges were held to have been proved. After considering the report of the Enquiry Officer, the impugned order of punishment was issued on 6.3.81 for recovery of Rs. 2170/- on account of cost of typewriter which had been stolen and stoppage of one increment without cumulative effect.

3. We have heard the learned counsel for the parties and perused the record.

4. Only ground urged in the suit is that the applicant had been made to do continuous duty from 6.11.80 till 9.11.80 throughout these three days and he used to go for meals etc. after informing the Supervisor. The respondents have stated that he did not inform about his absence to the Supervisor on that day. He has not filed the copy of the Enquiry Report or even the impugned order and has not alleged any illegality or ~~xxx~~ irregularity of procedure or that he had not been given any opportunity to produce his defence. He has only stated that there was no evidence against him. Without the Enquiry Report, it is not possible to say that the Enquiry Rg Officer had arrived at the conclusion without any evidence. In any case, it is ~~an~~ an admitted fact that the typewriter had been stolen while the applicant was on duty as Chowkidar. The mere fact that he had to perform continuous duty for three days as no other chowkidar was available does not exonerate him from the charge of dereliction of duty which resulted in the theft of the typewriter.

5. Thus^o there is no merit in the T.A., which is accordingly dismissed, with no orders as to costs.

(B.B. MAHAJAN)
Admn. Member

(D.L. MEHTA)
Vice Chairman

Shashi/