

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH: JAIPUR

TA No. 2328/86

Date of Order : 13.7.92

Prabhu Dayal Azad

... Applicant.

versus

Union of India & Others

... Respondents

Mr. J.K. Kaushik

... Counsel for the  
Applicant

Mr. G.P. Soral

... Counsel for the  
Respondents

CORAM :

The Hon'ble Mr. Justice D.L. Mehta,  
Vice Chairman.

The Hon'ble Mr. B.B. Mahajan, Adm.  
Member.

...

PER MR. B.B. MAHAJAN, ADM. MEMBER:

Prabhu Dayal had filed a Civil Suit in the Court of Munsif, North Kota on 6/8/85 against the order of his removal from the service on account of unauthorised occupation of Railway Quarter. The Suit has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act.

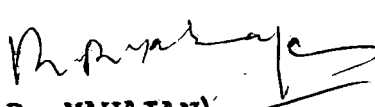
2. The admitted facts in this case are that the applicant was served with a charge sheet on 15.9.1983 for unauthorised occupation of Railway Quarter on 2.11.82. The enquiry officer held him guilty of the charge and the punishment of removal from the service has been imposed vide impugned order dated 10.10.1984.

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3. We have heard the learned counsel for the parties. The facts of the case are not in dispute. The petitioner had occupied unauthorisedly the quarter of a lower class to which he was entitled. Punishment imposed in this case is, however, extremely harsh considering the nature of alleged misconduct.

4. Mr. Kaushik, the learned counsel for the applicant has agreed that in case the order of removal is set aside, the applicant would not ask for back wages.

5. In the facts and circumstances of the case, we allow the application, quash the impugned order of removal with a direction that the applicant may be reinstated within three months of the receipt of copy of this order. He shall not be entitled to get back wages from the period of his removal till his reinstatement. Parties to bear their own costs.

  
(B.B. MAHAJAN)  
ADM. MEMBER

  
(D.L. MEHTA)  
VICE CHAIRMAN

cvr/-