

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 927/89

Date of decision: 28.7.94

LABH SINGH

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. Surinder Singh : Counsel for the applicant.

Mr. N.K. Jain : Counsel for the respondents.

CORAM:

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

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER:

Shri Labh Singh has, in this application, prayed that initiation of the disciplinary proceedings vide memorandum dated 11.6.1987, the Enquiry Officer's report (Annexure A-4) and the penalty imposed upon him vide order dated 24.3.88 (Annexure A-5) may be set aside. He has further prayed that the order dated 9.6.89 (Annexure A-6) by which his appeal was rejected may also be declared as null and void and in effective, with all consequential benefits.

2. A charge-sheet was issued to the applicant, Annexure A-1, in which two charges were framed against him. The first charge related to the applicant's acting under the influence of intoxicating drink during the course of his duty and misbehaving and man-handling Shri B.K. Dhingra, Tax Recovery Officer, Jaipur under whom he was working at the relevant time. It is not necessary to make mention about the second charge because it has not been held as established and the penalty imposed is also not on the basis of the second charge. In reply to the charge-sheet, the applicant stated that the matter regarding assault of superior officer is pending in the court of law on a complaint filed by Shri Dhingra. He, therefore, prayed that the departmental proceedings against him initiated on this charge may be stayed. His plea was not accepted

and the inquiry proceedings were held. This charge was held as established during the inquiry. The Disciplinary Authority vide order dated 24.3.88 (Annexure A-5) imposed upon the applicant the penalty of 'compulsory retirement from service'. The applicant's appeal against the penalty imposed was rejected by the Appellate Authority vide order dated 9.6.89 (Annexure A-6).

3. Various pleas have been raised by the applicant in his application challenging the findings of the Enquiry Officer and the orders of the Disciplinary and the Appellate Authorities. On a consideration of these pleas, we find no merits in them. During the arguments, the learned counsel for the applicant stated that the court has already decided the criminal case filed by Shri Dhingra against the applicant, as mentioned by him in his reply to the charge-sheet. According to the applicant, who was himself present in the court, he was convicted of the offence but was given benefit of the Probation of Offenders Act and bound for one year.

4. In the facts and circumstances of the present case, the applicant may furnish a copy of the Judgment of the court alongwith a representation to Respondent no. 2 for re-consideration of the quantum of the penalty imposed in the light of the Judgment of the court and the fact that he was released under the Probation of Offenders Act. Respondent no. 2 shall thereupon consider the entire issue on merits and take an appropriate decision in the matter within a period of four months from the date of submission of the representation by the applicant alongwith the copy of the judgment of the court. The Appellate Authority is free to modify the penalty imposed suitably, if he considers it necessary to do so in the light of the documents to be submitted by the applicant before him.

We make it clear that the orders of the Disciplinary Authority and Appellate Authority are not being set aside by us.

5. The O.A. is disposed of accordingly, with no order as to costs.

(O.P. SHARMA)
Administrative Member

(N.L. MEHTA)
Vice-Chairman