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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.527/93

Dt. of order: 6.5.94

Kesar Deo : Applicant

Vs.

Union of India & Ors. : Respondents

Mr. Bharat Bhushan Pareek : Counsel for applicant

Mr. Chandrabhan Sharma : Addl. Officer Incharge,  
on behalf of respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Member (Judl.)

Hon'ble Mr. O. P. Sharma, Member (Adm.).

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDL).

Applicant Kesar Deo in this application under Sec.19 of the Administrative Tribunals Act, 1985, has prayed that the order of the Disciplinary Authority Annx.A-4 dated 26.2.93 by which a penalty of removal from service was imposed to him as also the order of the Appellate Authority dated 5.7.93 (Annx.A1) confirming the same may be quashed.

2. We have heard the learned counsel for the applicant and Shri Chandrabhan Sharma, Addl. Officer Incharge, departmental representative on behalf of the respondents and have gone through the records of the case.

3. The applicant was serving as an Extra Departmental Branch Post-Master when he was served with a charge sheet for unauthorised absence from duty from 30.4.92 to 16.10.92 as well as for misbehaving with the Mail Overseer on 23.4.92. Thereafter a departmental enquiry under Rule 8 of the Posts & Telegraphs Extra-Departmental Agent (Conduct & Service) Rules, 1964, was held against the applicant. The Inquiry Officer after recording his findings for guilt against the delinquent officer on both the charges submitted his report to the Disciplinary Authority who after a careful examination of the matter passed <sup>the</sup> order dated 26.2.93 (Annx.A4) imposing the penalty of removal from service upon the applicant. Aggrieved by the order of the Disciplinary Authority, the applicant appealed to the Appellate Authority vide Annx.A-5 dated 2.4.93. The Appellate Authority after a

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careful consideration of the matter, dismissed the appeal by order dated 5.7.93 (Annx.A1) and upheld the punishment awarded by the Disciplinary Authority. The impugned orders have been assailed on the ground that they are laconic as the findings are perverse. These have also been assailed on the ground that a copy of the report of the preliminary enquiry was not provided to the applicant. On the contrary, the respondents have stated that the applicant had handed over the charge of the post in question to another without any information and that he had absented himself without permission or grant of leave. It is further stated that the Inquiry was completed within a reasonable time after following all the rules and procedure and that the Appellate Authority had taken into account the important grounds raised by the applicant and had disposed of the appeal through a reasoned order.


4. The applicant has not even pleaded that the charge sheet issued to him was contrary to rules and facts of the case. The applicant has failed to show as to how the findings of the Inquiry Officer are perverse and are not supported by the evidence on record. There is no averment that the preliminary enquiry report ~~was used~~ also used by the Inquiry Officer or by the Disciplinary Authority and <sup>as such</sup> ~~even if its copy has not~~ <sup>been</sup> supplied to the applicant during the departmental proceedings, no prejudice was caused to the applicant, as long as any findings in the preliminary enquiry report to be used against the applicant were sought to be supported by the documents and witnesses listed in Annx.A-3 and A-4 of the charge sheet. The applicant has not made out a case that the material contained in the preliminary enquiry report was used against him when the corresponding evidence in the form of documents and witnesses being listed in established the charges ~~the charge sheet~~. We find no substance in the contention of the learned counsel for the applicant that the Appellate Authority while deciding the appeal had not met all the points raised by the applicant in his memo of appeal as the order of the Appellate Authority is a well reasoned and a detailed order on merits.

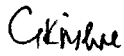
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5. There cannot be any reappraisal of evidence by the Tribunal as the findings of the Disciplinary Authority and the Appellate Authority do not appear to be perverse or based on no evidence.

6. In view of the above discussion, this application is devoid of merit and it is, therefore, dismissed with no order as to costs.

  
(O.P. Sharma)  
Member (A).

  
(Gopal Krishna)  
Member (J).