

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 209 of 2003

Jabalpur, this the 17th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Dr.S.C. Dixit, Research Officer
(Medical) retired from RMRCT
(ICMR), Jabalpur(MP)
Resident of 349 Gautam Nagar
Opposite Allahabad Bank,
Govindpura, Bhopal - 482 023

APPLICANT

(By Advocate - Shri M.P. Singh)

VERSUS

1. Union of India,
Through The Principal
Secretary, Ministry of
Health and Family Welfare,
Nirman Bhawan, New Delhi.
Pin - 110 011
2. The President,
Governing Body, (Appellate
Authority), Indian Council
of Medical Research,
Ministry of Health and
Family Welfare, Nirman Bhawan,
New Delhi, 110 011.
Through The Director General
ICMR, NEW DELHI - 110 029
3. The Director General
(Disciplinary Authority)
Indian Council of Medical
Research, Ansari Nagar,
Post Box No. 4911,
New Delhi - 110 029
4. The Director
Regional Medical Research
Centre for Tribals,
(Indian Council of Medical
Research), P.O. Garha
Nagpur Road, Jabalpur(MP)
Pin - 482 003

RESPONDENTS

(By Advocate - Shri A.Adhikari)

O R D E R (ORAL)

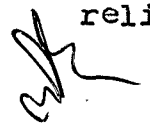
By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the
following main reliefs :-

"(b) to issue directions that the punishment,
stoppage of one increment for a period of one year
imposed by the Disciplinary Authority and the direction
given for treating period from 21.12.1993 to 31.07.2000
as DIES NON be quashed and set aside.

(c) to issue appropriate directions to the Director General, ICMR New Delhi - either to issue orders himself or issue directions to his subordinate officers/offices that the Half Pay Leave for the period from 21.12.1993 to 26.03.1994 and Extra Ordinary Leave for the period from 27.3.1994 to 31.7.2000 be granted and the period from 21.12.1993 to 31.7.2000 be counted as qualifying service for all purposes i.e. salary, pensionery and other retiral benefits."

2. The brief facts of the case are that the applicant was working as Research Officer at the Regional Medical Research Centre, Jabalpur. While he was working as such, he was given a charge-sheet under Rule 14 of Central Civil Services (Classification, Control & Appeal) Rules, 1965 vide memo dated 29.6.1995 for remaining absent unauthorisedly w.e.f. 21.12.1993. Earlier Dr. M.A. Ansari, Deputy Director, Malaria Research Centre, Delhi was appointed as an Inquiry Officer to carry out the departmental inquiry into the charges framed against the applicant and Dr. G.D. Pandey, Assistant Director, RMRC, Jabalpur was appointed as the Presenting Officer. Since Dr. Ansari was not in a position to complete the inquiry expeditiously, a fresh order was issued on 18.5/7.6.1999 appointing Dr. Neeru Singh, Dy. Director, MRC Field Station, Jabalpur as new Inquiry Officer in place of Dr. M.A. Ansari. Dr. Neeru Singh conducted the inquiry and submitted her findings in her report dated 16.6.2000. A copy of the inquiry report was furnished to the applicant vide memo dated 11/16.8.2000 to submit his representation. The applicant submitted his representation on 19.9.2000. The disciplinary authority after considering the findings of the enquiry officer, and the representation of the applicant, imposed the penalty of stoppage of one increment vide order dated 8.2.2001 (Ann.A-1) for a period of one year under Rule 11(v) of CCS (CCA) Rules, 1965. The disciplinary authority further directed that the period of unauthorised absence of the applicant from 21.12.1993 to 31.7.2000 may be treated as 'dies non'. Aggrieved by this, the applicant has filed this O.A. claiming the afore-mentioned reliefs.



3. Heard the learned counsel of both the parties.

4. The learned counsel for the applicant has submitted that the applicant was absent from leave due to the family circumstances as his wife was suffering from cancer. He has also stated that the whole period of absence from 21.12.1993 to 31.7.2000 should be regularised by grant of leave due to the applicant i.e. earned leave, extra ordinary leave etc.

5. On the other hand, the learned counsel for the respondents has stated that the applicant was absent from duty unauthorisedly for more than six years. An enquiry has been held against him as per rules and the applicant has been given due opportunity of hearing. Thus, the principles of natural justice have been followed in this case.

6. We have given careful consideration to the rival contentions and we find that the applicant was absent from duty unauthorisedly for the period from 21.12.1993 to 31.7.2000. The respondents have conducted the enquiry under Rule 14 ibid. The findings of the enquiry officer have been sent to the applicant and he has submitted his representation against the same. Therefore, the principle of natural justice have been fully complied with by the respondents. It is well settled legal proposition that the Tribunal cannot reappraise the evidence and also cannot go into the quantum of punishment. In this case, we find that the enquiry has been held as per procedure laid down under the rules and the charge of unauthorised absence has been proved against the applicant. No irregularities have been pointed out by the applicant in the conduct of the enquiry. In view of this, we do not find any ground to interfere with the order passed by the disciplinary authority imposing the penalty vide order dated 8.2.2001 and treating the period of unauthorised absence as 'dies non'.

7. For the reasons recorded above, the OA is bereft of merit and is accordingly dismissed. No costs.

(A.K. Bhatnagar)
Judicial Member

(M.P. Singh)
Vice Chairman