

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

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(CIRCUIT CAMP AT INDORE)

Original Application No: 148/2001

Indore, this the 13th day of April, 2004

Hon'ble Shri M.P.Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

Umrao Singh Chauhan,
S/o Shri Madhav Singh Chauhan,
Age 51 years, Occupation - Nil,
R/o village Rolpipliya,
Tehsil Sonkatch, Distt. Dewas.

...Applicant

(By Advocate: Shri Rajinder Gupta for Sh. A.K.Sethi)

-versus-

Union of India represented through

1. Secretary to Govt.,
Ministry of Finance,
New Delhi.
2. Bank Note Press, Dewas
through Manager (Control) &
Disciplinary Authority,
3. The Dy, General Manager
(Appellate Authority)
Bank Note Press, Dewas.
4. The General Manager,
Bank Note Press,
Dewas.

...Respondents

(By Advocate: Smt. S.R.Waghmare)

O R D E R (ORAL)

By M.P. Singh - Vice Chairman:

By filing this O.A., the applicant has claimed the following main reliefs:-

- i) The removal order dated 6/7/1994 (A/9) passed by the respondent no. 2 and the appellate order dated 9.8.1995 (A/13) passed by the respondent no. 3 may kindly be ordered to be quashed. Similarly the revisional order dated 19.11.2000 (A/16) passed by respondent no. 4 be also quashed.
- ii) The applicant be reinstated in service with all the consequential and monetary benefits alongwith the back wages, seniority and promotion etc. from the date of the removal till the date of actual joining in service and the applicant be deemed to be continued in service.

W.K.

2. The brief facts of the case are that the applicant was working as Junior Checker in the Bank Note Press, Dewas from 12.10.1976. On 24.11.1992, a chargesheet was issued to him by respondent no. 2 under Rule 21 and sub Rule 3(1) of CCS (Conduct) Rules, 1964. The enquiry officer, after conducting the enquiry, held the charges proved. The disciplinary authority after taking into consideration the findings of the enquiry officer removed the applicant from service vide its order dated 6/7.1.1994. Against the said order, the applicant preferred an appeal which was rejected by the appellate authority.

3. Aggrieved by the said order, the applicant had filed an OA No. 405 of 1996. The Tribunal had considered the case on merit and vide its order dated 13.9.2000 held that it is not a case of 'no evidence'. However, the Tribunal had held that during the course of enquiry, the applicant had obtained a decree of divorce from the competent court of law. It is further held by the Tribunal that the respondents had not taken into consideration the said fact while passing the order. In the circumstances, the penalty of removal appeared to be too harsh. In these circumstances, the Tribunal had directed the applicant to move a revision petition to the Revisional Authority. The Tribunal had further directed the respondents to decide the revision petition of the applicant. Accordingly, the applicant had filed a revision petition and the Revisional Authority vide their order dated 19.11.2000 decided the revision petition of the applicant and upheld the penalty/imposed on the applicant by the disciplinary authority and confirmed by the appellate authority. It is against this order, the applicant has filed the present O.A.

4. Heard the learned counsel for both the parties.

5. During the course of arguments, the learned counsel for the respondents has stated that the fact that the applicant had obtained a decree of divorce during the course of enquiry is not correct. According to her, the order of removal has been passed by the disciplinary authority on 6/7.1.1994 whereas the divorce decree

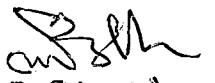
 was granted by the competent court of law on 7.12.1995. Therefore

this fact had already been taken into consideration by the disciplinary authority while imposing the penalty of removal from service on the applicant. The order passed by the Revisional Authority, therefore, does not require any interference by this Tribunal.

6. We find that the submission made by the learned counsel for the respondents is correct as the order of removal from service of the applicant was passed by the disciplinary authority on 6/7.1.1994 whereas the divorce decree was obtained by the applicant only on 7.12.1995. Therefore, the said fact was taken into consideration by the disciplinary authority while passing the penalty order of removal from service against the applicant. It is a well settled legal position that the Tribunal cannot go into the quantum of punishment awarded by the disciplinary authority.

7. Keeping in view the facts mentioned above, there is no ground to interfere with the orders passed by the disciplinary authority, appellate authority and revisional authority. Hence, the O.A. is bereft of merit and is accordingly dismissed. No costs.


(Madan Mohan)
Member (J)

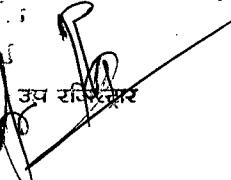

(M.P. Singh)
Vice Chairman

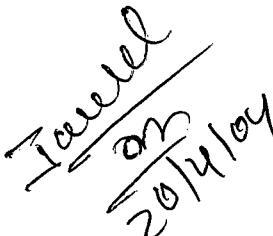
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पूछाकरन सं. ओ/व्या.....जल्लामुर, दि.....

प्रतिलिपि अवृत्ति दि.....

- (1) राजिव, राजीव राजेश्वरी, जल्लामुर
- (2) रामेश्वर रामेश्वर के काउंसल Alk Sethi, *Indore*
- (3) पांडिया, पांडिया के काउंसल Sud. SR Waghmore, *Indore*
- (4) रामेश्वर रामेश्वर के काउंसल


जय सिंह


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