

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 22 of 2001

Jabalpur, this the 7th day of April, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Govind Narayan Agarwal,
Son of late Shri Shankarlalji Agarwal,
Aged about 52 years, Fire
Engine Driver, Central
Proof Establishment, Itarsi
Resident of House No.8, Malviyaganj,
Pratappur (Rambaiwale Ke Chall),
Itarsi, District Hoshangabad,
M.P.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India,
Through the Secretary, Ministry of
Defence, Government of India,
Sena Bhawan, New Delhi.
2. Directory General,
Quality Assurance, Ministry of
Defence (Production), H-Block,
New Delhi.
3. Commandant, Central
Proof Establishment
(C.P.E.) Itarsi,
District Hoshangabad,
M.P.

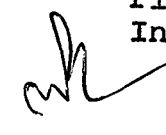
RESPONDENTS

(By Advocate - Shri P. Shankaran)

O R D E R (ORAL)

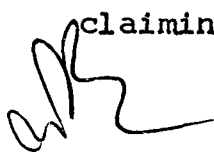
By M.P. Singh, Vice Chairman -

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

- "(b) to hold the entire disciplinary proceedings initiated vide charge-sheet Annexure-A-1 as void illegal, malafide, arbitrary and unreasonable and improper.
- (c) to issue a writ of certiorari quashing the impugned orders dated 31.7.2000 Annexure-A-7 and 25.10.2000 Annexure-A-11 as void, illegal, arbitrary and malafide and violative of the applicant's fundamental rights guaranteed by the Constitution of India.
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- (d) to issue a writ of mandamus to the respondents directing them to immediately reinstate the applicant in service on the post on which he was working before imposition of penalty of compulsory retirement with all consequential benefits of pay, fixation of pay, increments, arrears of pay, seniority, promotion etc.

2. The brief facts of the case are that the applicant was working as Fire Engine Driver in Central Proof Establishment, Itarsi. He was issued a memorandum of charges under Rule 14 of the CCS (CCA) Rules 1965, vide order dated 20.2.1999, and he was placed under suspension from service vide order dated 13.3.1999. An enquiry officer was appointed to investigate the charges levelled against the applicant. The enquiry officer has concluded the enquiry and the charges levelled against the applicant were proved except Article of charge 1(d) which was withdrawn by PO during the enquiry. A copy of the enquiry officer report was sent to the applicant who also submitted his defence against the enquiry report. The disciplinary authority has taken into consideration the defence statement of the applicant and findings of the enquiry officer and thereafter has imposed the penalty of compulsory retirement from service on the applicant. Then the applicant has approached the Tribunal by filing the OA No. 806/2000. The Tribunal has disposed off the said OA with a direction to the applicant to send a copy of the appeal alongwith a copy of ^{Tribunal's} ~~order~~ to the respondent No.2 to decide the appeal. The appellate authority has rejected the appeal of the applicant vide order dated 25.10.2000. Aggrieved by this, the applicant has filed this OA claiming the aforesaid reliefs.



3. None is present on behalf of the applicant. Since, it is an old matter of the year 2001. We are disposing of this OA by invoking the provisions of (procedure) rule 15 of Central Administrative Tribunal/Rules, 1987.

4. Heard the learned counsel for the respondents and perused the pleadings and records.

5. We have considered the pleadings made by the applicant and respondents and we find ^{that} in this case ~~that~~ the charges against the applicant were proved, whereas the applicant has stated that charges levelled against him were not proved and he ^{has} further stated there was no application of mind by the appellate authority while considering his appeal. We also find that charges against the applicant were proved and he has given an opportunity of hearing and also provided a copy of the enquiry report to submit his representation. Thus, the principles of natural justice had been followed by the respondents. It is well settled proposition of ^{that} law, the Tribunal cannot reappraise the evidence and also cannot go into the quantum of punishment.

6. For the reasons recorded above, we do not find any ground to interfere with the order of the disciplinary authority and appellate authority. Therefore, the OA is bereft of merits and accordingly, it is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
पत्तिलिपि अद्योतित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रज्वली श्री/श्रीमती/कु.....के काउंसल
- (4) वरिष्ठ, के.प्र.अ., जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

SKM

13/11/04
15/11/04

R. K. Leysda
P. Shankaran.