

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR (CHHATTISGARH)

Original Application No. 770 of 2001

Bilaspur, this the 24th day of September, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

J. Hussain, S/o. Late Subamia,
aged about 50 years, (Ex-UDC/Kendriya
Vidyalaya Along), C/o. Shabina Typing
Centre, Mohan Talkies Road,
(P.O.) : Jamnipali
(Pin) : 495450
(Dist) : Korba (CG).

... Applicant

(By Advocate - Shri B.P. Rao)

Versus

1. Union of India,
Through its Secretary,
Department of Education,
Ministry of Human Resources and
Development, 301, C-Wing, Shastri
Bhavan, New Delhi.
2. The Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi.
3. The Assistant Commissioner,
Regional Office,
Kendriya Vidyalaya Sangathan,
Maligaon Chariali,
Guwahati 781012.
4. The Principal, Kendriya Vidyalaya,
P.O. : Arai Mile, Tura,
West Garo Hills, Meghalaya State,
Pin Code : 794001.

... Respondents

(By Advocate - Shri M.K. Verma)

ORDER (Oral)

Justice V.S. Aggarwal -

The applicant was serving in Kendriya Vidyalaya,
Tura in Meghalaya. It is alleged against the applicant that
while functioning as Upper Division Clerk he forcibly entered
the Principal's office in a drunken state. He was medically
examined and was found to be under the influence of liquor
by the Senior Medical & Health Officer. The disciplinary

MSAg

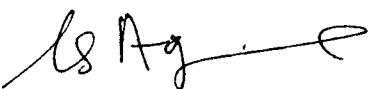
authority recorded that the applicant had admitted the charge and thereupon imposed a penalty of removing the applicant from service.

2. The appeal of the applicant had been dismissed. Resultantly the present petition has been filed assailing the said orders.

3. The petition has been contested.

4. The learned counsel of the applicant has raised the following questions for consideration - (a) no enquiry had been held in the facts of the case and, therefore, the said penalty could not have been imposed, and (b) the penalty awarded is unconscionable and disproportionate to the alleged act of the applicant.

5. On appraisal of the facts we find that in the facts of the present case the said contentions of the applicant cannot be accepted. Reasons are obvious and not far to fetch. In reply to the article of charge the applicant admitted that it was an accidental act that he had consumed the liquor. The disciplinary authority acting upon the said admission held the charge to have been proved. Facts admitted need not be proved and, therefore, further enquiry was deemed to be unnecessary. We, therefore, are not further going into the said controversy because the applicant had been medically examined and it was found that he was under the influence of liquor. Our attention has also been drawn to the fact that on the earlier occasion also the applicant had been warned in this regard. This fact has not been considered by the disciplinary authority but we are taking liberty to mention the same while considering the second contention that the penalty awarded is unconscionable. A person cannot continue in service if he does not maintain discipline. When acts like



Contd...3/-

ss 3 ss

the one recorded above are committed we find no reason to interfere in the penalty that has been awarded. In the absence of any merit, the O.A. fails and is dismissed.


(Anand Kumar Bhatt)
Administrative Member


(V.S. Aggarwal)
Chairman

rkv.