

(a)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. No. 728/2000

Jabalpur, this the 20th day of February, 2004

**HON'BLE SHRI M.P.SINGH, VICE CHAIRMAN
HON'BLE SHRI G.SHANTHAPPA, MEMBER(J)**

Ashutosh Trivedi, aged about 39 years,
S/o Shri S.N.Trivedi by occupation
Investigator,
National Sample Survey Organisation,
(Field operation Division)
presently posted at Khandwa(MP).

...Applicant

(By Advocate:Shri P.C.Dubey for Sh. K.K.Trivedi)

-versus-

1. Union of India through
Secretary,
Ministry of Planning,
Dept. of Statistics,
National Sample Survey Organisation,
(Field operation Division),
New Delhi.
2. The Deputy Director General,
National Sample Survey,
Organisation (Field operation Division),
C-Block, IIIrd Floor,
Pushpa Bhawan, Madangir Road,
New Delhi.
3. The Assistant Director,
National Sample Survey,
Organisation (Field operation Division),
B-Block, Sanjay Complex,
Jayandraganj, Lashkar Gwalior(MP).
4. The Assistant Director,
National Sample Survey Organisation,
59, Zone-2, Maharana Pratap Nagar,
Bhopal (MP).

...Respondents

(By Advocate: Shri P.Shankaran)

ORDER (ORAL)

By M.P.Singh, Vice Chairman

By filing this O.A. the applicant has sought the following reliefs:-

- 1) to call for the records pertaining to issue of orders dated 26.8.1999 as contained in Annex.A/18 from the office of the no. 2 and the order is

in Annex.A/16 from the office of respondent no.3 and be further pleased to examine the same and to quash the said orders.

ii) to exonerate the applicant from the alleged charges and to command the respondents to make payment of increments of pay, which have been illegally withheld, in the ends of justice.

2. The brief facts of the case are that the applicant is working as Investigator in the office of respondent no.4. The applicant while working as such was issued with a chargesheet for attending the office under the influence of intoxicant and using unparliamentary language in presence of the officers and otherstaff. Enquiry officer was appointed to investigate into the charges. The enquiry officer concluded the enquiry and submitted his report with his finding that the charges nos. 1 and 3 were proved. The copy of the enquiry report was supplied to the applicant to give him a chance to submit his representation against the findings of the enquiry officer. The applicant has submitted his representation against the enquiry report on 28-2-1999 (Annexure A-15). The disciplinary authority after considering the enquiry report, defence of the applicant and relevant records, imposed the penalty of withholding two increments without cumulative effect on the applicant. The applicant has preferred an appeal against the order of the disciplinary authority before the appellate authority. The appellate authority, after considering the grounds urged in the appeal, rejected the appeal vide order dated 26.08.1999, which was communicated to the applicant on 26.8.1999. Aggrieved by this, the applicant has filed the present O.A.

3. We have heard the learned counsel for both the parties and have perused the pleadings and other material available on record.

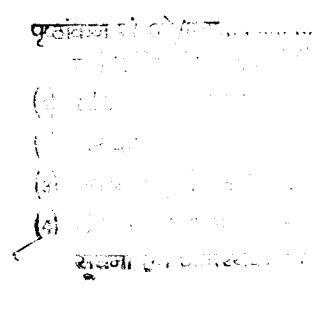
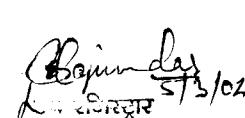
4. We have carefully considered the rival contentions and we find that the applicant has been issued a chargesheet. An enquiry has been instituted against him under Rule 14 of CCS(CCA) Rules, 1965. Charges nos. 1 and 3 were established. The applicant has been furnished with a copy of the enquiry report to submit his representation. The applicant has submitted his representation. Thus, an opportunity of hearing has been granted and principle of natural justice has been followed. It is a settled legal preposition that this Tribunal cannot re-appraise the evidence and also cannot go into the quantum of punishment. In this case charges have been proved and the respondents have followed the prescribed/ laid down procedure for holding the enquiry. We, therefore, do not find any ground to interfere with the orders of disciplinary authority as well as appellate authority. The O.A. is, therefore, bereft of merit and is accordingly dismissed. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

/na/


Fused
10/04
5/3/04


प्रमाणित करने वाले व्यक्ति का नाम
क्रमांक
(1) डॉ. K.K. Trivedi
(2) डॉ. P. Shankaran, Adv.
संस्कृत विभाग

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राजिनदास
5/3/04