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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2110/2002

New Delhi, this the 28th day of August, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.K. Naik, Member(A)

Sunil Kumar Trivedi
c/o Shri Sant Lal, CAT Bar Room
New Delhi

.. Applicant

(Shri Sant Lal, Advocate)

versus

Union of India, through

1. Secretary
Deptt. of Posts
Min. of Communications
Dak Bhawan, New Delhi
2. Chief Postmaster General
Delhi Circle, Meghdoot Bhavan
New Delhi
3. Sr. Supdt. of Post Offices
Delhi East Division, Delhi

.. Respondents

ORDER(oral)

Justice V.S. Aggarwal

The applicant was working as a Postal Assistant in Anaj Mandi, Shahdara, Delhi in the year 1990. FIR No.177/90 was registered against him with respect to offences punishable under Sections 409/420/468/471 Indian Penal Code. While the criminal case was pending, the disciplinary authority initiated proceedings against the applicant on the same facts. In May, 1993, the enquiry officer submitted his report. Applicant submitted his representation against it. On 31.10.1994, the disciplinary authority imposed a penalty of dismissal from service on the applicant.

2. Applicant contends that subsequently on 10.2.2000 in the criminal trial he was acquitted from the said charge.

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Applicant submitted his representation. When no decision was taken, he filed OA 1397/2001. This Tribunal directed the respondents to decide the representation of the applicant. Applicant thereafter preferred a petition to the Member(P), revisional authority, which was dismissed by a lower authority. He filed revision application which was also dismissed. He preferred another OA 2555/2002 and this Tribunal had directed that revision application be considered by passing a speaking order. On 20.3.2003 even the revision application has been dismissed.

3. By virtue of the present application, applicant seeks quashing of the order dated 20.3.2003 rejecting his revision petition referred to above and the order dismissing him from service.

4. Learned counsel for the applicant contends that the applicant has a cause to file a petition in the Tribunal after he was acquitted from the competent court of jurisdiction as there have been different orders passed by this Tribunal directing the respondents to decide his revision etc. He fairly concedes that against the order dismissing the applicant from service dated 31.10.1994, appeal is prescribed under Rules.


5. The above said contention must be stated to be without ^{merit} ~~out~~. It is obvious that in the year 1994 the applicant was dismissed from service and for more than 6 years he did not challenge the said order dismissing him


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from service. It is too late in the day for this Tribunal to set aside the order dismissing the applicant from service which was passed in the year 1994 and had attained finality.

6. As regards the acquittal of the applicant, it is well settled in law that disciplinary proceedings can be initiated and appropriate orders passed even on preponderance of probability, whereas proof beyond reasonable doubt is accepted in the criminal trials. The applicant therefore cannot take advantage of the order of acquittal that has been passed.

7. In the absence of any other pleas, we find that the application being without merit must fail and is accordingly dismissed *in limine*


(S.K. Naik)
Member(A)


(V.S. Aggarwal)
Chairman

/gtv/