

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.368 of 2015
Date of Decision: January 12, 2015

Mewa SinghPetitioner
versus
Union of India and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Kuldip Singh Chaudhary, Advocate,
for the petitioner.

-.-

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner assails the order dated 09.09.2014 (Annexure P-8) whereby the Central Administrative Tribunal, Chandigarh Bench has dismissed his Original Application, challenging the order of dismissal from service as well as that of the Appellate Authority.

[2] The petitioner was working as a Conductor in the Chandigarh Transport Undertaking when was charged-sheeted on 04.08.1994 alleging misappropriation of Government money which he had charged from the passengers by issuing duplicate tickets. Enquiry was held and based upon the enquiry report dated 29.09.1994, the petitioner was dismissed from service vide an order dated 22.06.1995.

[3] Before issuance of the above-mentioned charge-sheet, an FIR under Sections 420/467/468/471 IPC was also got registered against the petitioner on 26.08.1993. In that case,

the petitioner was acquitted by the Judicial Magistrate, 1st Class, Chandigarh, giving the benefit of doubt vide judgment dated 02.01.2006.

[4] Admittedly, the petitioner did not challenge the order of dismissal dated 22.06.1995 before any forum before or after his acquittal in the criminal case for a long period. It was on 31.10.2011 that he preferred a departmental appeal which was turned down vide order dated 12.02.2013 primarily on account of inordinate delay of more than 16 years.

[5] The original order of dismissal from service and the above-mentioned appellate order both were unsuccessfully challenged by the petitioner before the Tribunal who has dismissed his Original Application on merits as well as for unexplained delay.

[6] We have heard learned counsel for the petitioner and gone through the record.

[7] No interference in the impugned order, in our considered view, is called for. We say so for the reasons that departmental enquiry was held against the petitioner in accordance with principles of natural justice. Having been found guilty of misappropriation of Government money, the petitioner was rightly dismissed from service.

[8] The petitioner's acquittal in the criminal case is inconsequential, for the standard of proof required in a criminal case, namely, to establish the charges beyond reasonable doubt, is not to be necessarily employed in a case of domestic enquiry where the charges can be proved by following the principles of probability also.

[9] The dismissal order of 1995 was admittedly not challenged by the petitioner before any forum till he opted to

file a departmental appeal in October, 2011. In these circumstances, the plea of inordinate delay invoked against him by the Appellate Authority or the Tribunal is fully justified.

No case to interfere in the impugned order is made out.

Dismissed.

[SURYA KANT]
JUDGE

January 12, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE