

Siddharth S. Sansare	...	Petitioner
Vs.		
Union of India and ors.	...	Respondents

Mr. Rakesh R. Singh, for the Petitioner.
Mr. T.J. Pandian for Respondent Nos. 1 to 4.

CORAM : V. M. KANADE, AND
M. S. SONAK, JJ.

DATE : JUNE 29, 2016

P. C.

1] The petitioner challenges the dismissal of his Original Application No. 699 of 2009 by the Central Administrative Tribunal (CAT) vide order dated 12 June 2013 (impugned order).

2] The petitioner had instituted Original Application No. 699 of 2009 to question the penalty of compulsory retirement imposed upon him by the respondents consequent upon the establishment of the charge of accepting bribe of RS.5000/- from one Smt. Tholabai Kachru.

3] Mr. Rakesh Singh, learned counsel for the petitioner, has submitted that penalty came to be imposed upon the petitioner by an authority, other than disciplinary authority and that this is the matter which goes to the root of jurisdiction. Besides, Mr. Singh submitted that in this case the complaint against the petitioner was never made by Smt. Tholabai Kachur, but the same was made by rival Trade Union Leader, in order to wreck private vengeance. Mr. Singh submitted that the very initiation of departmental proceedings was mala-fide and the defence raised by the petitioner that the amount of Rs.5000/- was only a hand loan taken by the petitioner, was unjustifiably rejected. For these reasons, Mr. Singh submitted that the impugned order made by the CAT warrants interference and the petitioner deserves reinstatement with all consequential benefits.

4] We have considered aforesaid submissions raised by and on behalf of the petitioner. We have also perused the record as well as the impugned order. In our judgment, there is no case made out to interfere with the impugned order made by the CAT.

5] The enquiry officer, in the present case, on the basis of evidence/material tendered during the course of departmental proceeding, has held that the charge against the petitioner stands proved. The disciplinary authority, upon consideration of the report of the enquiry officer by order dated 24 June 2009 imposed penalty of

compulsory retirement. The petitioner's appeal against the same was dismissed by the appellate authority on 18 July 2008. The petitioner's revision was also considered and rejected by the revisional authority on 24 July 2009. Finally, the CAT has dismissed the original application instituted by the petitioner on 12 June 2013.

6] It is pertinent to note that the petitioner neither in the appeal nor in the revision or for that matter the original application, ever raise the plea that penalty was imposed upon the petitioner by some authority other than the disciplinary authority. If the memo of this petition in this Court is perused, there is no such ground raised. Learned counsel for the petitioner was unable to elaborate upon this ground in the course of arguments. The ground, as raised is clearly frivolous and deserves no acceptance.

7] The circumstance that Smt. Tholabai Kachru was not complainant is quite irrelevant, particularly since both Tholabai and her husband were examined in the course of departmental proceedings. Their deposition very clearly establishes the charge levelled against the petitioner. There is no complaint of violation of principles of natural justice and fair play. This is also not a case of perversity in the record of findings of fact, not only by the enquiry officer, but also the appellate and revisional authorities who have bestowed due consideration upon the case of the petitioner. The CAT

has also duly considered the various contentions raised by the petitioner, but found no merit in them.

8] There is no jurisdictional error in the making of the impugned order. Accordingly, no case is made out to interfere with the impugned order.

9] This petition is accordingly, dismissed. There shall, however, be no order as to costs.

[M. S. SONAK, J.]

[V. M. KANADE, J.]