

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE RAVI MALIMATH,

CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 8th OF DECEMBER, 2022

WRIT PETITION No. 6794 of 2006

BETWEEN:-

**MUKESH S/O NATTHU SINGH, AGED ABOUT 39
YEARS, OCCUPATION: NIL, R/O HOUSE NO. 99,
GALI NO.4 NANDA NAGAR, NEAR CHHOTI
KHAJRANI (MADHYA PRADESH)**

.....PETITIONER

**(BY SHRI MOHIT KAMBALE – ADVOCATE ON BEHALF
OF SHRI R.S. CHANDRAWADE - ADVOCATE)**

AND

- 1. BHARAT SARKAR THR. GENERAL
MANAGER, WESTERN RAILWAY, MUMBAI
(MADHYA PRADESH)**
- 2. DIVISIONAL MANAGER WESTERN
RAILWAY, RATLAM (MADHYA PRADESH)**
- 3. ASST. ENGR. WESTERN RAILWAY,
INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI H.Y. MEHTA – ADVOCATE - ABSENT)

*This petition coming on for hearing this day, Hon'ble Shri Justice
Pranay Verma passed the following:*

ORDER

By this petition preferred under Article 226 of the Constitution of India, the petitioner has challenged the order dated 20.07.2006 passed by the Central Administrative Tribunal dismissing his original application preferred against the order dated 21.03.2001 passed by the Divisional Manager, Western Railway, Ratlam, as affirmed by the appellate authority by order dated 14.08.2002 and further affirmed by order dated 31.05.2005 passed by the revisional authority dismissing him from services.

2. The petitioner was working under the respondents on the post of Track-man. A charge sheet was issued to him on 17.07.2001 on the ground of his absence from duty with effect from 06.06.2000 to 29.05.2001. The petitioner filed his reply after which enquiry officer was appointed and enquiry was held. The enquiry report was supplied to the petitioner. The disciplinary authority accepted the report of the enquiry officer and passed an order dismissing the petitioner from service with immediate effect. The said order has been affirmed by the appellate as well as the revisional authority primarily on the ground that the petitioner had himself admitted before the enquiry officer that he had remained in unauthorized absence from 06.06.2000 up to 29.05.2001. Hence, there was no occasion for the disciplinary authority to consider any other evidence.

3. From a perusal of the record, it is clear that before the enquiry officer question No.3 was put to the petitioner which was "you have been charge sheeted for being unauthorized absent for the period from 06.06.2000 to 29.05.2001, what you have to say in that

regard?" The answer of the petitioner was "Yes! I was absent". In view of categorical admission by the petitioner as regards his unauthorized absence there was no requirement for the disciplinary authority to consider any other evidence since it is well settled that admission is the best piece of evidence. The record also makes it clear that the report of the enquiry officer was supplied to the petitioner and he was given full opportunity to defend his case and the enquiry was held properly.

4. In our opinion, since the petitioner had admitted the charges against him, no fault can be found with the order passed by the disciplinary authority which has rightly been affirmed by the appellate as well as the revisional authority. The order of dismissal in view of the charges proved against the petitioner is fully justified.

5. The writ petition being devoid of merit is dismissed.

(RAVI MALIMATH)
CHIEF JUSTICE

(PRANAY VERMA)
JUDGE

jyoti