

(2011) 07 DEL CK 0074

In the Delhi High Court

Case No : Writ Petition (Civil) No. 925 of 2007

M.L. Kararwal

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 13-07-2011

Acts Referred:

Central Civil Services (Classification, Control and Appeal) Rules, 1965 — Rule 14, 15(1)
Constitution of India, 1950 — Article 1

Citation : (2011) 07 DEL CK 0074

Hon'ble Judges : Sudershan Kumar Misra, J;Anil Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Anil Kumar, J.—The Petitioner had challenged the order dated 20.12.2006 passed by Central Administrative Tribunal, Principal Bench, New Delhi, in O.A. No. 1438/2006 titled as M.L. Kararwal v. Union of India through Secretary, Ministry of Home Affairs, dismissing the original application filed by the Petitioner wherein he had sought quashing and setting aside of order dated 16.01.2006 and 6.7.2006 compulsorily retiring him from service.

2. An enquiry under Rule 14 of CCS (CCA) Rules, 1965 was conducted by Commissioner of Departmental Inquiries, who gave a report dated 8.1.1992 holding that no charges were made out against the Petitioner. The disciplinary authority, however, while exercising power under Rule 15(1) of CCS(CCA) Rules permitted the case for de novo enquiry and appointed another enquiry officer. The second enquiry officer also gave a finding that no charges were made out in his report dated 26.06.1997.

3. The disciplinary authority, however, deferred with the enquiry report dated 26.06.1997 and imposed the penalty of compulsory retirement by order dated 4.7.2000. The order of compulsory retirement imposed by order dated 4.7.2000 was the subject matter of various proceedings initiated on behalf of the Petitioner. Pursuant to which, an order dated 4.4.2003 was passed conveying the

reasons for disagreement by Disciplinary Authority with the findings of the enquiry officer.

4. The Tribunal while considering the pleas and contentions of the parties has noted categorically that the appellate authority had taken note of the advice of UPSC who had come to the conclusion that the evidence available on record was sufficient to conclude that the Petitioner had entered into a marriage with Ms. Rewa, during the life time of his legally married wife and thus, had held that the charge under Article 1 framed against the Petitioner was proved.

5. The Tribunal while considering the pleas and contentions of the parties have relied and considered the various precedents referred to by the parties. Taking all the facts and circumstances into consideration, the Tribunal has held that the Respondents have correctly proceeded in the matter and concurred with the disagreement note to the enquiry report dated 26.06.1997 and thus declined to interfere with the decision of the Respondents.

6. No one is present on behalf of the parties.

7. No one had been present on behalf of the parties even on 8.7.2011, however, no adverse order was passed on that date in the interest of justice.

8. Since no one is present on behalf of the parties, this Court is left with no other alternative but to dismiss the writ petition in default of non-appearance of the parties.

9. The writ petition is, therefore, dismissed in default.