
(2004) 01 P&H CK 0032
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 368 of 2004

Union of India (UOI) and Others

APPELLANT

Vs

Gurvinder Singh and Others

RESPONDENT

Date of Decision : 12-01-2004

Acts Referred:

Citation : (2004) 2 LLJ 1138 : (2004) 136 PLR 831

Hon'ble Judges : S.S. Nijjar, J; S.S. Grewal, J

Bench : Division Bench

Advocate : Jagdish Marwaha, for the Appellant;

Final Decision : Dismissed

Judgement

S.S. Nijjar, J.—We have heard the learned counsel for the petitioners at length and perused the paper-book.

2. Learned counsel for the petitioners has vehemently argued that the recommendation made by the learned Central Administrative Tribunal is beyond jurisdiction.

3. We have carefully perused the record. Respondent No. 1 was charge-sheeted for having left the workplace at about 9.25 AM and misbehaved with his senior, on his return to the Tool Room. After appreciating the entire matter, the Tribunal has come to the conclusion that the departmental enquiry had been conducted in accordance with rules of natural justice. In paragraph 6 of the order, it has been categorically noted that in the quest to reach the truth, the Central administrative Tribunal had summoned the entire record concerning the departmental enquiry. After noticing judgments of the Supreme Court rendered in the cases of B.C. Chaturvedi Vs. Union of India and others, ; State of T.N. Vs. T.V. Venugopalan, ; Union of India (UOI) and Others Vs. Upendra Singh, , Government of Tamil Nadu and another Vs. A. Rajapandian, , Union of India v. B.S. Chaturvedi 1995 (6) S.C. 749 State of Tamil Nadu and another Vs. S. Subramaniam, , Director General of Police and others v. Jani Basha AIR 1999

S.C.W. 4802 and Syed Rahimuddin v. Director General, C.S.I.R. and Ors AIR 2001 S.C.W. 2388 the Central Administrative Tribunal has rightly held that the disciplinary authority is the sole judge of facts and the Tribunal has no jurisdiction to appraise or re-appreciate the evidence to substitute its own findings over the findings of the disciplinary authority as it is not supposed to act as an Appellate Authority. Thereafter, the Tribunal notices the service record of respondent No. 1. The record shows that respondent No. 1 has risen from Class IV post to the post of Artisan (Technician). His sincerity and devotion to duty can be adjudged from the fact that during the tool down strike at R.C.F. Kapurthala in the year 1997, he continued to perform his duties despite continuous threat of his fellow employees. After noticing the entire service record, the Tribunal has very rightly observed that the solitary incident of misbehaviour cannot be a ground to remove respondent No. 1 from service totally ignoring his earlier meritorious record. We are of the considered opinion that the Tribunal has not committed any error of jurisdiction and has rather taken a proper and humane approach.

4. In view of the above, we find no merit in the present writ petition and the same is hereby dismissed. No costs.

5. Copy of this order be given dasti under the signature of Special Secretary of this Court.

Sd/-S.S. Grewal, J.