

ITEM NO.101

COURT NO.10

SECTION XI

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3074 OF 2005

TOTA RAM

Appellant (s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With prayer for interim relief )

Date: 14/02/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Gore Lal Shakya, Adv.

Ms. Sandhya Goswami, Adv.

Mr. M.P.S. Tomer, Adv.

For Respondent(s) Mr. T.S. Doabia, Sr. Adv.

Ms. Pareena Swarup, Adv.

Mr. Ameet Singh, Adv.

Mr. V.K. Verma, Adv.

Mr. Shreekant N. Terdal, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(Rajesh Dham)

Court Master

(Radha R. Bhatia)

Court Master

(signed order is placed on the file)

2

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3074 OF 2005

TOTA RAM

Appellant

VERSUS

UNION OF INDIA & ORS.

Respondents

O R D E R

This appeal is directed against the judgment of the Division Bench of the Allahabad High Court declining to interfere with an order of the Central Administrative Tribunal (for short "the CAT") which, in turn, declined to interfere with an order of removal from service passed against the appellant.

The appellant was working as a Branch Post Master at Donkli, District Firozabad. His services were terminated on the ground that Rs. 1150/- from the leather bag of Jabalpur Branch Post Office, which was transmitted through Donkli Post Office, had been removed by tampering with the seal on the said bag.

A charge-sheet was served on the appellant under the service rules applicable to him. A departmental enquiry was held against him in which witnesses were examined in support of the charge, including the personnel of Donkli Branch Post Office, Firozabad Post Office and Jabalpur Branch Post Office. As a result of the appraisal of the evidence led in the enquiry, the Enquiry Officer exonerated the appellant of the charge, but the disciplinary authority, in exercise of its powers, disagreed with the said findings of the Enquiry Officer and took the view that the

3

departmental enquiry brought home the charge. Consequently, the appellant was directed to be removed from service by an order passed by the disciplinary authority. The appellant preferred a departmental appeal, which did not succeed. The appellant challenged the order of his removal before the CAT, which took the view that there was acceptable evidence at the departmental enquiry warranting the order of removal against the appellant. On this reasoning, the CAT dismissed the application of the appellant. Being dissatisfied, the appellant moved the High Court against the order of the CAT. The High Court has taken the view that it was not the function of the CAT or the High Court to sit in appeal over the findings recorded in the departmental enquiry and that, as long as there was some evidence which was accepted bona fide by the disciplinary authority as warranting the charge against the appellant, it was not liable to be interfered with in judicial review. On this reasoning, the High Court dismissed the writ petition of the appellant.

We have heard the learned counsel for the appellant and the learned senior counsel for the respondent. The learned counsel for the appellant attempted to persuade us that his client was totally innocent and that there was no evidence at all on record which warranted the charge. Despite high sounding pejorative adjectives liberally used by the learned counsel for the appellant to characterise the findings of the disciplinary authority and the CAT as unwarranted and perverse, we remain unconvinced. We agree with the assessment of the High Court in the impugned judgment. In the facts and

4

circumstances, we are not persuaded that this is a case for exercise of our powers under Article 136 of the Constitution of India. We see nothing wrong with the judgment impugned before us.

In the result, the appeal is dismissed with no order as to costs.

.....J.

(B.N. SRIKRISHNA)

.....J.

(LOKESHWAR SINGH PANTA)

NEW DELHI;

FEBRUARY 14, 2006.