

Dr Anil Kapoor

Vs

Union of India and Another

Civil Appeal No. 3231 of 1996

(K. Venkataswami, A.P. Mishra JJ)

07.01.1998

ORDER

1. This appeal is preferred against the judgment of the Central Administrative Tribunal, Chandigarh Bench in OA No. 678-CH/88 dated 1-2-1993. The appellant was charged for certain misconduct and on that account 14 charges were framed against him. A regular disciplinary enquiry was held and the Enquiry Officer found that except 3 charges, all the other 11 charges were proved.
2. The disciplinary authority after perusing the report of the Enquiry Officer found that one more charge was also not proved. But he found that out of 14 charges, 10 charges were proved. On the basis of the enquiry held and the report submitted by the Enquiry Officer, the disciplinary authority ordered punishment of removal from service.
3. The appellant preferred an appeal to the appellate authority, who confirmed the order of removal. Against that the appellant preferred an application (Case No. 300 of 1987) to the Central Administrative Tribunal, Chandigarh Bench, which on the first instance remanded the matter by order dated 9-12-1987 to the appellate authority to reconsider the matter and dispose of it afresh.
4. On remand the appellate authority again went into the matter and by its detailed order confirmed the order of the disciplinary authority.
5. The appellant still feeling not satisfied, preferred the present OA to the Central Administrative Tribunal. The Tribunal in its elaborate order found that the findings and conclusions of the disciplinary authority and that of the appellate authority cannot be considered as one without any evidence or that they are perverse. Accordingly, the Tribunal declined to interfere with the order of removal passed by the disciplinary authority confirmed by the appellate authority.
6. We have heard learned Senior Counsel for the appellant for some time who took us through the orders under appeal. We also heard the learned Senior Counsel for the respondents.
7. After perusing the order of the Tribunal, we are of the view that though it is possible to take another view in this matter, that will not be a ground for interfering with the orders passed in the disciplinary proceedings. Accordingly, we are not satisfied that there is any case for interference.
8. The appeal is dismissed. However, there will be no order as to costs.