Karnataka High Court

M K Nagendra Kumar S/O M V Krishna ... vs General Manager on 18 July, 2011 Author: K.L.Manjunath And H.S.Kempanna

§ A Rules: As the order of termination of the peti_ti__Qr1er from service has been gassed by the Authority, ihe order does not call for any They ales contended that the conducted by the Enquiry the procedure laid down anciijihe been afforded reasonable e'ppQrt§1'fiityV---I'§:; 'defend--Vfiif \Box \$elf and there are me latches in in the enquiry by as the Enquiry wOffic:er haé§'.he.£;§i'viihele-he.rge levelled against him of} tIieT'''vt§e,_siAs';V'3:ef evidee \Box \$e and the documents placed erg nothing on record is find fault' with Lhe'''eaieE erder, basing on which the .' V. viz. the Chief Engineer/Co~Bangalore Cantonment has '_ paeseei order ef the peiitioner which has t;:;§'}:e1d by the Dieeiplinary authority as per the D ' \Box \$llee viz. {he Chief Engineer and hence the same \Box \$ee not suffer frem any infirmity ea \Box \$ng fer interferenee.

(\§%%§;/'/§§

4. The tribunal on Considering the placed before it and on hearing the respective parties' rejected the revision preferred by the petttiorter its 1e.e.2010 and 279.2010. It'i§"-t.he eéiid.vo'rdz3te1.:Ettié1tVhas V been asea □ed by the pE□Uo1"t€f-- petitie11.....Vv':

5.; $\S g1r1; \S'e' < V:t'$ the petitioner contended; t'he > t--. have not been ;';'1iiK;'g3;3z > C'emi) etent Authority as eontertiplated to the trules, the entire enquiry proceed zirtgs_ie., Vitieted''. report of the Enquiry officer '_ reveetlsi ttzet t1e'': eamev is not based on the evidence and $\{i'oet;t1;ef1t;s placed on recerd and as there is lapse in it eannet be the base for terr inatie: -''V of the petitioner of his services from h He further contended vehemently that as the .' iil pugned erdere of termination of the petitioner of his T' 'Services from Reiiways ie met passed by the Cempetent Authertt}; as eentemplated mzder the '£1*&A Rmeeg the same is eitieteé ae the 'E'ribur: as without appreciating <math>3''E?5?: '£Z\%' e-\%777)$ ////////mom~.».....~..-,H§\$S\\\\\\\\\$ &\\\\\ W+.\$\\\\\\\\\\\\ ««\\ .% g § , ..., W, ... V. W»~» WH.wm mW '9 positioner from Railways passed by the respva:::J._e13_:s calls for any interference?' 8, It is the contention of .:he»..pet§'_ \textit{e}f'; e'1; VI, V report of the enquiry officer is and the documents place'd*---.__ie'1@_> ree'ot_d .'---.VA 'ie, no 'V material placed before .§he er£qVe\textit{Gf}}VVv''effice1; A{<3-.§1?£ew that he had actually covered under the K\textit{Finivaeuiu Reddy. "me sole}y relied upon the technical grounds.}

The been examined to preve the alleged z'ehe1rg-:v\$. the other hand, it is the ease Raiiways 'fiA"iVéi't"é1V:he cheque drawn in the name of Reddy, an empleyee ef the Railways, _ haei~f3ee_:1'ei_e; testinei}r removed by the petitiener when gigs.' 1'"-eéurned from the Bank of India; Yeehwanthpur and thereafteiz the proeeeés of the same has

-beien misappropriated by the peiiiiener by making use ef ene Jjviaéhu Bheekery 3. esyempieyee ef the petétiener. The materiai o:: record reveal the petiiiener M"

EEégffci/ %% /I//////r/;;nw interregnurn the petitioner instead of preferring the revision had Challenged the said order in 8749/2003 before this Court which dismissed on 31.3.2003 upholdingf it Tribunal. After the matter wasbA:'.re:ihitteci1h"has}:1 appropriate Disciplinary V Chief Engineer /

constructiori/. 'Ch'ariton'rn'e11t:.v the said Authority on going passed the order of xlfrom service by his speaking":o*rtierV'--~--. and directed the applicgint□y to the Appellate Authority" administrative Officer, construction!Bangalore"Cantonment under the D & A iéxeoordingliyiiithe petitioner submitted the appeal riot l□rofngalore Cantonment on 35.2004 against the"-.penaityC~'of dismissal from service imposed by the Vhdiseipliriahry authority. In the meantime, the CAO, i._'t3Vonst'ruetion, Bangalore Cantonment, retired from

-»serViee on 30.4.2084 and therefore? the Chief Engineer / Co~or<iination / Construction, Bangalore Cantonment was posted as independent eharge oi" the □5;'?

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