

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 520/2001

(9)

New Delhi this the 26th day of September, 2001

Hon'ble Mr. Justice B. Dikshit, Vice-Chairman (J)
Hon'ble Mr. V.K. Majotra, Member (A)

D.S. Negi,
Security Assistant 'A'
DIFR, Delhi 54.

-Applicant

(By Advocate: Shri V.K. Sharma)

Versus

1. Union of India through
Ministry of Defence
Research and Development Organisation,
Defence Institution of Fire Research,
Brig SK Mazammudar Road
Delhi-110054

2. Satya Paul and Co.
G-24, Balinagar,
New Delhi-110015.

-Respondents

(By Advocate: Shri P.P. Relhan, proxy for
Shri J.B. Mudgil)

ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

The applicant has challenged order dated 3.3.2000 (Annexure A-1) whereby in disciplinary proceedings under Rule-14 of the CCS (CCA) Rules, 1965, a penalty of withholding of one increment w.e.f. 1.4.2000 for a period of four years with cumulative effect has been imposed upon the applicant. The applicant had been accused of theft of two pipes ~~to~~ during his duty hours at 1600 hrs on 14.3.99 ~~and at~~ 800 hrs on 15.3.99 relating to stores belonging to M/s Satya Paul and Co., New Delhi. The Enquiry Officer after examining witnesses cited against the applicant, held that "the applicant was the brain behind the

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theft. He was the senior most security staff on duty and as such was responsible for the safety of Govt. assets". The disciplinary authority after examining the enquiry report and representation of the applicant, agreeing with the enquiry officer held the charge as proved against the applicant.

2. We have heard the learned counsel of both sides and considered the material on record.

3. We find that the OA does not disclose the grounds for relief with legal provisions as required in the prescribed format under Rule-4 of the CAT (Procedure) Rules, 1987. The applicant has stated against the column "remedies exhausted" that "he had filed appeal to the Scientific Adviser and Director General but no use". In this behalf the learned counsel of the respondents drew our attention to paragraph-8 of the counter reply stating that the the applicant had appealed to the higher disciplinary authority i.e. DGR&D, DRDO, Ministry of Defence but the same was 'set aside' by the competent authority and the penalty awarded by the disciplinary authority was upheld as no convincing grounds were noticed by the competent authority. In the rejoinder, the applicant has denied that there was no convincing ground in the appeal. Thus, whereas the applicant had made appeal against the impugned order of the disciplinary authority and whereas the same appeal has been rejected by the appellate authority, the appellate order has not been assailed before us. It

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is clear that the order of disciplinary authority dated 3.3.2000 has merged in the appellate order and since the appellate order has not been challenged before us, the OA is rendered totally ~~defected~~ ^{-ive} before us, the OA is rendered totally ~~defected~~ ^{defective} inasmuch as the matter cannot be adjudicated upon by the Tribunal and no relief can be accorded to the applicant.

4. The OA is dismissed accordingly. No costs.

V.K. Majotra
(V.K. Majotra)
Member (A)

B. Dikshit
(B. Dikshit)
Vice-Chairman (J)

CC.