

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

New Delhi, dated the 20th May 1997

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE MR. S.R. ADIGE, MEMBER (A)

O.A. No.689 of 1995

Shri Kishan Singh,
S/o Shri Banwari Lal,
O/o of the Commandant,
3-Reserve Petroleum Depot,
A.S.C., Mathura,
U.P.
R/o Vill. & P.O. Aduki,
Dist. Mathura,
U.P.

... APPLICANT

VERSUS

1. Union of India through
the Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Quarter Master General,
Quarter Master General's Branch (Q-1(c)),
Army Hqrs., Sena Bhawan,
D.H.Q. Post Office,
New Delhi.
3. The Director Supply,
Supply & Transport (ST-12),
Quarter Master General's Branch,
Sena Bhawan,
Army Headquarters,
D.H.Q. Post Office,
New Delhi.
4. The General Officer Commanding I/c,
Headquarters Central Command,
Lucknow Cantt.
5. The Commandant,
3-Reserve Petroleum Depot,
A.S.C., Mathura,
U.P.

... RESPONDENTS

O.A. No. 1025 of 1995

(10)
Shri Babu Lal,
S/o Shri Lala Ram,
O/o the Commandant,
3-Reserve Petroleum Depot,
R/o Gopal Nagar,
P.O. Krishna Nagar,
Mathura,
U.P.

... APPLICANT

VERSUS

1. Union of India through
the Secretary,
Ministry of Defence,
South Block,
New Delhi.
 2. The Quarter Master General,
Quarter Master General's Branch,
Army Headquarters,
Sena Bhawan,
New Delhi.
 3. The D.G., Supply & Transport (ST-12),
Q.M.G. Branch, Sena Bhawan,
Army Hqrs.,
New Delhi.
 4. The General Officer Commanding In Chief,
Hqrs. Central Command,
Lucknow Cantt.
 5. The Commandant,
3-Reserve Petroleum Depot,
A.S.C.,
Mathura (U.P.)
- .. RESPONDENTS

O.A. No. 2102 of 1995

Shri Churamani,
S/o Shri Chddi Ram,
R/o Mewati Ka Nagla,
P.O. Maholi,
Distt. Mathura, U.P.

.. APPLICANT

VERSUS

1. U.O.I. through
the Secretary, Ministry of Defence,
South Block,
New Delhi.
 2. The Q.M.G.,
Q.M.G Branch (Q-1(c)),
Army Hqrs., Sena Bhawan,
New Delhi.
 3. The D.G., Supply & Transport (ST-12),
Q.M.G. Branch,
Sena Bhawan,
Army Hqrs., New Delhi.
 4. The General Officer Commanding In Chief,
Hqrs. Central Command,
Lucknow Cantt.
 5. The Commandant,
3-Reserve Petroleum Depot, A.S.C.,
Mathura, U.P.
- .. RESPONDENTS

O.A.S. No. 140 of 1996

Shri Satpal Singh Rajput,
L.D.C. (Civilian),
S/o late Shri Beni Lal Singh,
R/o Vill. Bandi, P.O. Mahavan,
Distt. Mathura, U.P.

... APPLICANT

VERSUS

1. U.O.I. through
the Secretary, Ministry of Defence,
New Delhi.
2. The Chief of Army Staff,
Adjutant General's Branch,
Army Hqrs.,
New Delhi.
3. The D.G., Supply & Transport (ST-12),
Q.M.G. Branch,
Army Hqrs.,
New Delhi.
4. The General Officer Commanding-in-Chief,
Hqrs. Central Command,
Lucknow Cantt.
5. The Commandant,
3-Reserve Petroleum Depot, A.S.C.,
Mathura, U.P.

.. RESPONDENTS

O.A. No. 1787 of 1996

Shri Hira Lal,
S/o Shri Khirkiya,
O/o the Commandant,
3-Reserve Petroleum Depot,
A.S.C., Mathura,
Vill. Damodarpura,
P.O. Veterinary College,
Mathura, U.P.

... APPLICANT

VERSUS

1. U.O.I. through
the Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Q.M.G.,
Q.M.G. Branch,
Army Hqrs.,
New Delhi.
3. The Commandant,
3-Reserve Petroleum Depot,
A.S.C., Mathura, U.P.

.. RESPONDENTS

Advocates: Shri D.N. Sharma for applicants
Shri M.M. Sudan for Respondents

J U D G M E N T

BY HON'BLE MR. S. R. ADIGE, MEMBER(A).

As all these five OAs involve common question of law and fact, they are being disposed of by this common judgment.

2. The applicants in each of the five OAs have impugned the order dated 22.4.94 passed by the Disciplinary Authority imposing the penalty of compulsory retirement w.e.f. 23.4.94 under CCS(CCA) Rules, 1965.

3. Applicants in each of the five OAs, four of whom are Industrial Mazdoor and one (applicant Shri Satpal Singh Rajput), an LDC, all working in 3- Reserve Petroleum Depot, ASC Mathura (UP), were jointly proceeded against on certain Articles of Charge, including the principal one of submitting false medical claims. A departmental enquiry was ordered, in which the Inquiry Officer held that the charge of submitting false medical reimbursement claims was established against each of them.

4. The applicants were given an opportunity to show cause against departmental enquiry and upon receipt of their replies, the Disciplinary Authority by impugned order dated 22.4.94 imposed the penalty of compulsory retirement.

5. We have heard the learned counsel for all the applicants Shri D.N. Sharma and learned counsel for the respondents Shri M.M. Sudan.

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6. We notice that the applicants had earlier approached CAT, Allahabad Bench in OA No.806 of 1994 for setting aside the impugned order dated 22.4.94 which was dismissed at the admission stage itself on 5.8.94 with a direction to the applicants that they should first exhaust the alternative remedy of filing an appeal before the appellate authority. Applicants state that they had filed appeal on 5.9.94 to the Director General Supply and Transport, Army Headquarters, New Delhi as well as an appeal dated 17.10.94 to the Adjutant General with a copy to the Director General, Supply and Transport, GOC, Central Officer Commanding Headquarters etc. All of them remained unacknowledged and unreplyed till the date of filing of these OAs.

7. Respondents have also not filed any copy of orders passed by the appellate authority to establish that those appeals have been disposed of.

8. It is well settled that the jurisdiction of the appellate authority is much wider than that of the Tribunal. For instance, the appellate authority is competent to reappraise the evidence, which is something the Tribunal is legally precluded from doing. In the interest of justice, therefore, it is only fit and proper that in the first instance the appellate authority be directed to dispose of the appeals of the applicants by a detailed, speaking and reasoned order in accordance

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with law within three months from the date of receipt of a copy of this judgment. We direct accordingly. Thereafter if any grievance still survives, it will be open to the applicants to agitate the same in accordance with law, if so advised.

9. Subject to the aforesaid directions, these OAs stand disposed of. No costs.

10. Let a copy of this judgment be placed on the file of each of these OAs.

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(K.M. AGARWAL)
CHAIRMAN

Anfchge.
(S.R. ADIGE)
MEMBER (A)

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