

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No. 1430/1994

Monday this the 26th day of July, 1999

(2)

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

Girdhari Lal T.No.3073/1397/CM
Fitter Genl.H.S.II
Ordnance Factory
Muradnagar,
Distt.Ghaziabad, and r/o
of Village & PO. Morta,
Distt.Ghaziabad. ..Applicant

(By Advocate Mr. Ashish Kalia)

Vs.

1. The Union of Idnia through the Chairman
Ordnance Factory Board,
6 Esplanade Road,
Calcutta.69.
2. The General Manager
Ordnance Factory GOI
Ministry of Defence
Moradnagar, Distt.Ghaziabad. ...Respondents

(By Advocate Mr. V.S.R. Krishna)

The application having been heard on 26.7.1999, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, Girdhari Lal, fitter Genl.H.S.II, Ordnance Factory, Muradnagar was awarded a penalty of reduction to the lower post of Fitter Genl (SK) fixing his pay at the appropriate stage in lower post in the pay scale Rs.950-1500 till he is found fit after a period of one year from the date of issue of the order, to be restored to the higher post of Fitter Genl.(HS.II) by the impugned order dated 5.2.93 after the disciplinary authority agreed



the finding of the Enquiry Officer that he was guilty of charge of dereliction of duty causing of theft of electric motor from the North Sump on 2.6.92. As per the allegation the applicant was to be on duty upto 10.30 p.m. while he left the work spot and handed over the charge to a person who was to take over from him at the gate and that during this time the theft of motor occured.

2. The applicant has filed this application contending that his appeal filed against the impugned order was not disposed of. It is alleged in the application that the finding of guilt was not arrived at on a proper appraisal of the evidence adduced at the enquiry, that the applicant had to leave the work spot to attend the natures call as he was suffering from loose motion and if there had been a theft, the matter would have reported to the police. The applicant states that the impugned order of penalty is unsustainable.

3. As the appeal filed by the applicant was disposed of rejecting the same under order dated 14.1.94 the applicant filed an MA for incorproating the additional prayer in the Original Application assailing the appellate order also. However, even though the M.A was allowed the consequential amendment has not been carried out.

4. The respondents in their reply statement have contended that the enquiry was held in conformity with the rules, that the applicant was given reasonable opportunity to defend and as the finding of guilt was arrived at on the basis of cogent and



convincing evidence the application is devoid of any merit.

5. The applicant has filed a rejoinder reiterating the contentions raised in the original application.

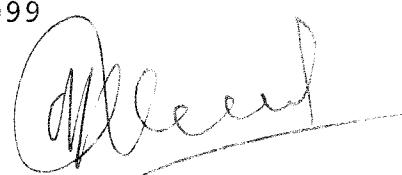
6. On a careful scrutiny of the application, reply statement, rejoinder and the connected papers and on hearing the learned counsel on either side, we find that there is no infirmity in the impugned order which calls for interference by this Tribunal. The finding that the applicant was guilty is based on evidence recorded at the enquiry. It is not disputed by the applicant that while he was posted for duty upto 10.30 p.m. he left the work spot without there being any substitute. It was his duty to see that he hands over the duty and the custody of the motor etc. to the person who takes over from him at the work spot. Admittedly this has not been done.

7. For the foregoing reasons, we do not find any justification to intervene in the matter as the penalty imposed xxxxxxx on the applicant is also not severe. In the result, the application fails and the same is dismissed without any order as to costs.

Dated the 26th day of July, 1999



S.P. BISWAS
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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