

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 7th day of March 2003.

QUORUM : HON. MAJ. GEN. K.K. SHIVASTAVA, A.M.
HON. MR. A. K. BHATNAGAR, J.M.

O. A. No. 597 of 1996

Inder Nath Tiwari S/O Shri Sheo Prasad Tiwari R/O Village & Post
Office Birapur, District Ghazipur.

..... Applicant.

Counsel for applicant : Sri N.L. Pandey.

Versus

1. Union of India through its Chief Controller, Govt. Opium and Alkaloid Factories, 10-E, Haridwar Colony Morar, Gwalior.
2. The General Manager, Govt. Opium and Alkaloid Works (Undertaking), District Ghazipur.
3. The Administrative Officer (LTC) Controlling Officer, Govt. Opium and Alkaloid Factories, Ghazipur.
4. Chief Controller, Govt. Opium and Alkaloid Factory, 13, Adarsh Nagar Colony, Morar, Gwalior.

..... Respondents.

Counsel for respondents : Km. S. Srivastava.

ORDER (ORAL)

BY HON. MAJ. GEN. K.K. SHIVASTAVA, A.M.

In this O.A., filed under section 19 of A.T. Act, 1985, the applicant has prayed for quashing orders of disciplinary authority dated 31.1.94 and 29.7.94 and the appellate order dated 9.11.95 and has prayed for direction to the respondents to give the applicant notional promotion to the post of Dy. O.S. Level-II w.e.f. 7.10.1990 with all consequential benefits.

2. The facts, in short, giving rise to this O.A. are that the applicant was initially appointed as Lower Division Clerk (LDC) and later on promoted as Upper Division Clerk (UDC) on 14.2.1972. The applicant was confirmed as UDC on 1.10.1975. The applicant was placed under suspension on 18.10.1984.

Enquiry was held and on conclusion of enquiry, the disciplinary authority passed the punishment order dated 20.8.1987 awarding the penalty of withholding of two successive increments for a period of two years. The applicant filed appeal against this order before the Appellate Authority which was decided by order dated 24.1.1989. The applicant filed O.A. No.453/89 which was decided by this Tribunal's order dated 30.8.1993.

The orders of the disciplinary as well as appellate authorities were quashed and the case was remanded to the disciplinary authority. In pursuance of the order of this Tribunal dated 30.8.1993, the disciplinary authority reviewed the case of the applicant and awarded penalty of censure vide order dated 31.1.1994. The applicant filed appeal challenging the order dated 31.1.1994 which was rejected by the appellate authority by order dated 9.11.1995.

3. We have heard counsel for the respondents and perused pleadings of the applicant as well as records.

4. We have also perused the enquiry report. The Enquiry Officer, in his enquiry report, has established the charges No.4 and 5 of misbehaviour and integrity as well as conduct proved.

5. These are the serious charges and we are of the view that the punishment of censure is absolutely correct. The applicant has superannuated on 31.1.1994. We do not find any error of law in the punishment order dated 31.1.1994 as well as appellate order dated 9.11.1995. There is no good ground for interference.

6. For the reasons stated above, the O.A. is dismissed being devoid of merit.

No order as to costs.

J.M.

Asthana/

A.M.

