

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 5th day of June, 2002.

Original Application No. 728 of 1996.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Raj Kishore Sharma a/a 55 years  
S/o Late Sri Jhansi  
R/o 204/4, Shashtri Nagar, Kanpur.

.....Applicant

Counsel for the applicant :- Sri K.K. Mishra

V E R S U S

1. Union of India through the Secretary,  
M/o Defence, New Delhi.
2. The Chairman, Ordnance Factory Board,  
10-A, Auckland Road, Calcutta.
3. The Senior General Manager, Ordnance Factory,  
Kalpi Road, Kanpur.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C)

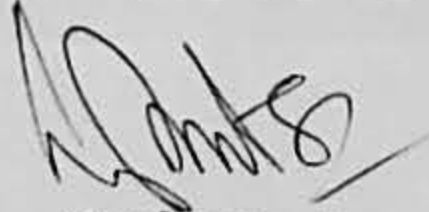
By this O.A under section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 27.12.1993 passed by the Ordnance Factory Board by which penalty of removal has been awarded to the applicant on conclusion of disciplinary proceedings, <sup>which penalty</sup> ~~has been~~ <sup>authoritatively modified to order of punishment, a</sup> ~~modified~~ and he has been awarded penalty of reduction to the post of Machinist (Semi Skilled) in the minimum of the time scale of pay to the said post with a further




further direction that he will not get the original seniority in the post of Mechanist 'A' and be promoted from the post of Machinist (SS) in normal channel subject to his fitness. The intervening period between the date of removal and the date of re-instatement should be treated as dies-non.

2. The charge against the applicant was that he attempted theft of Govt. property. He threw 4 packets (5400 Kgs) of Govt. materials out side the perimeter wall with an intention to remove them at his convenience. The applicant accepted this charge un-conditionally before the appellate authority and then <sup>requested for</sup> taking lenient view, punishment of removal was reduced to reduction in rank as stated above. In the corcumstances, we do not find any irregularity in the order. The appellate authority has taken in to consideration all the material aspects of the case. The order does not suffer from any error of law and does not call for interference of this Tribunal. The OA is dismissed.

3. There will be no order as to costs.

  
Member- A.

  
Vice-Chairman.

/Anand/