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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Registration No. 947 of 1986(T)

(Civil Appeal No. 390 of 1984  
arising out of Original Suit  
No. 1505 of 1981)

Bahadur Singh

...

... APPLICANT  
(Plaintiff)

versus

MMXXXX XX XXXXXX

The General Manager,  
Ordnance Equipment  
Factory, Kanpur, and others...

RESPONDENTS  
(Defendants)

Hon. Justice S.Zaheer Hasan, Vice Chairman  
Hon. A. Johri, Member(A).

(Delivered by Hon. S.Zaheer Hasan, V.C.)

Civil Appeal No. 390 of 1984  
arising out of original suit no. 1505 of 1981  
has been transferred to this Tribunal under  
section 29, Administrative Tribunals Act, 1985,  
by the District Judge, Kanpur.

It is said that on 24.1.1979  
the plaintiff and his co-worker Ambika Prasad  
Fitter had some quarrel, during which both  
Ambika Prasad and the plaintiff sustained some  
injuries and both the persons were suspended-  
Later on the order of suspension was revoked on  
30.3.1979. On 20.7.1979 the Department appointed  
a court of enquiry. On 9.1.1980 the plaintiff  
was ordered to be reverted from the post of Fitter  
Grade 'C' to the post of labourer. Ambika Prasad

AV/N

was awarded the punishment of break in service of only one year. The plaintiff's appeal against that order was dismissed.

After giving the required notice to the Department the present suit was filed for declaration challenging the order dated 9.1.1980 whereby the punishment of reduction to the post of labourer was imposed on the plaintiff.

Defendant no. 2, S. Harjeet Singh, Chargeman, Ordnance Equipment Factory, Kanpur, filed a written statement contending that he had been unnecessarily named as a defendant.

The plaintiff's suit was dismissed. He filed the appeal which has been transferred to this Tribunal.

The plaintiff had pleaded guilty and had stated that as ~~he~~ usual he wished Ambika Prasad jokingly at which he became furious as he was in some family trouble, and that he was sorry for the incident and both of them have compromised. According to him both of them were at fault and they realised their mistake. The finding of the enquiry officer to the effect that he was guilty was accepted by the Disciplinary Authority, and the impugned order was passed by which he was reverted from the post of Fitter Grade ~~X~~ <sup>C</sup> to the post of labourer.

The only point argued before us was that after admission of the guilt by the plaintiff a lenient view should have been taken and the punishment awarded is too severe. It was also

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brought to our notice that the other person who had quarrelled with the plaintiff was punishment by way of break in service for one year only.

We could not find any illegality in the ~~order~~ impugned order. As regards reducing the punishment, it was contended that other person who was equally at fault got lesser punishment, and since the plaintiff and the other person involved expressed their regrets and admitted guilt for this petty quarrel, the punishment of reversion is clearly severe.

We agree that under the circumstances of the case the punishment is too severe. So, instead of reversion the plaintiff's increment will be withheld for two years, which will not have the effect of postponing his future increments.

The appeal is disposed of accordingly with costs on parties.

*[Signature]*  
Vice Chairman

*[Signature]*  
Member 9A)

D/- February 12<sup>th</sup>, 1987.

AAK