

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

T.A. No. 680 of 1986

(O.S. No. 447 of 1985)

Chintamani Gautam Plaintiff.

Versus

Union of India & two others Defendants.

Hon'ble Mr. Justice U.C. Srivasta, V.C.

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

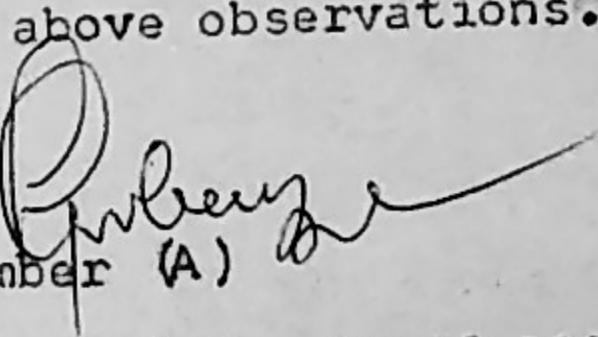
The applicant, who was a Mistri in Railway Workshop, Jhansi, was transferred on 27.7.82 from R.F. & P Shop to C.R. Shop but he refused to take the transfer order and comply with it and a written report was made by one Jwala Prasad, Chargeman 'A' to this effect which was presented before the Shop Superintendent R.F. & P. The applicant was suspended by order dated 11.8.82. Subsequently, the said suspension order was revoked on 17.8.82 and the applicant was reinstated in service. Thereafter, a charge-sheet was served on the applicant and the applicant submitted his reply not accepting the charges. Taking into consideration the reply of the applicant, the Enquiry Officer submitted his report and the Disciplinary Authority acting on the basis of Enquiry Officer's report punished the applicant withholding increment with effect from 1.1.85 for a period of one year by orders passed in the months of April and June, 1984. The applicant filed an appeal against the same which was also dismissed. Thereafter, he filed a suit in the Court of Munsif, Jhansi which has been transferred to this Tribunal.

2. On behalf of the applicant, it was contended

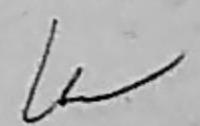
that the charge sheet was served on the applicant and he submitted his reply refuting the charges.

3. The learned counsel for the applicant contended that the respondents were obliged to hold an enquiry but no enquiry was held and the applicant was not given an opportunity to defend himself. The record shows that the charge sheet was in respect of minor punishment for which the Enquiry Officer was not obliged to hold a detailed enquiry. It was the discretion of the Authority Disciplinary / to hold or not to hold the enquiry. Authority It appears that the Disciplinary / decided not to hold the enquiry because the case was of petty nature. As such the plea, taken by the applicant for setting aside the order, does not hold any water.

4. It was next contended by the learned counsel for the applicant that as minor punishment has been awarded to the applicant, the applicant is entitled to get the salary of the period when he was placed under suspension. The contention carries weight, though the same was opposed by the learned counsel for the respondents Shri P.N.Ka-tju. As the applicant's suspension order was revoked, meaning thereby the respondents themselves realised that it was not a case where the applicant should have been suspended. Thus, the applicant is entitled to get full salary of the period when he was placed under suspension. The application is disposed of accordingly in the light of above observations. No order as to costs.


Member (A)

Dated: February, 20, 1992
(ug)


Vice Chairman.