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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

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Registration (T.A.) No. 709 of 1986

Jamuna Dass ..... Plaintiff-Applicant.

Versus

Union of India & another .... Defendant-Respondents.

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Hon'ble Ajay Johri, A.M.

Suit No.788 of 1984, Jamuna Dass v. Union of India & another, has been received on transfer from the court of Munsif I, Jhansi under Section 29 of the Administrative Tribunals Act XIII of 1985. The plaintiff is a Highly skilled Machine Man in the Steam Loco Shed at Jhansi. In this suit he has alleged that the Foreman and certain junior counter parts of the plaintiff had tried to harm him because they had a grudge against him and a fabricated charge-sheet was issued to him on 20.10.1983 in connection with the preparation of a Tender Wheel Tyre without gauging. He replied to the charges on 7.11.1983 but his explanation was not considered and a penalty of withholding increment for a period of six months was imposed on him. According to him his explanation and appeal have been decided mechanically and without application of mind. He has, therefore, prayed that the punishment imposed on 19.11.1983 be declared illegal and mala fide and void and he should be entitled to consequential benefits.

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2. In their reply the defendants have said that the plaintiff has been charge-sheeted for neglect of duty and careless working and no one is prejudiced against him. His explanation against the charge-sheet had been



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carefully examined and he was held guilty and only a minor punishment has been imposed on him. All records had been verified before imposing the punishment.

3. I have heard the learned counsel for the parties. Sri P.N. Karju, learned counsel for the defendants referred to the written statement while Sri H.P. Chakraborty the learned counsel for the plaintiff contended that the order of punishment is a non-speaking order and is based on no evidence. I have carefully perused the record of the case as well.

4. A perusal of the charge-sheet dated 20.10.1983 indicates that a specific charge was levied on the plaintiff that he was asked to turn a WP tender wheel to a 'T' gauge on 5.10.1983 but he did not do so and left the job half finished and removed the wheel<sup>set</sup> from the machine. This had to be done in the second shift. The applicant replied to the charge-sheet on 5.11.1983 and said that on 5.10.1983 he had formed only the flange radius of the tyre on one side as the tyre was otherwise finish turned and the other wheel on the set was already turned and finished. Hence he did the work of forming the radius and lowered the wheel set from the machine. According to him it was on 4.10.1983 that a wheel set had to be put on the machine again and this fact was entered in the diary. Hence it was not possible to say which wheel was involved as his wheel had been correctly turned. The DME issued orders imposing the punishment on 29.11.1983. The learned counsel for the plaintiff has made a submission that this order is not <sup>31 a</sup> speaking order and it does not show application of mind. In the punishment order the DME has said that he has considered the <sup>31 in person</sup> ~~explanation~~ dated 7.11.1983 and not found it satisfactory. I do not



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find any thing irregular or wanting in the order of punishment. The reply given by the plaintiff to the charge-sheet does not satisfactorily explain the defence. As a matter of fact it is vague and I do not think that the DME had in any way not applied his mind. In his appeal the plaintiff has said that there is no mention in the diary of machine shop that the wheel was remachined, while in reply to the charge-sheet he was vague about this fact.

5. The applicant, thereafter, put up an appeal to the Sr. DME against the punishment imposed by the DME. The result of this appeal dated January, 1984 filed by the plaintiff is not known. The defendants are directed to dispose of this appeal, <sup>34 by condoning delay if necessary</sup> if not already done, within a period of two months from the date of receipt of this order and during the course of deciding the same will also consider the pleas made by the applicant regarding entries in the machine shop diary. It is not for this Tribunal to reappraised <sup>34</sup> the evidence and facts of the case. I do not find any illegality in the punishment order.

6. The application (Suit No. 788 of 1984) is disposed of accordingly. Parties will bear their own costs.

*[Signature]*

Member (A).

Dated: December 7<sup>th</sup>, 1987.

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