

THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH-ALLAHABAD.

T.A. NO. 930 of 1986.

Hari Om Nigam..... Applicant.

Versus

The Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava- V.C.

Hon'ble Mr. K. Ghayya - A.M.

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

This is a transferred case under Section 29 of the Administrative Tribunals' Act 1985. The applicant who was functioning as Tailor-A in Ordnance Parachute Factory, Kanpur unauthorisely said to have left the place of work on 19.12.80 and instigated other workers to make unlawful assembly and ~~harass and abuse~~ ^{harass and abuse} loyal workers. The applicant was placed under suspension. He filed a suit challenging the suspension order dated 20th December, 1980 as well as the subsequent order awarding a penalty of reduction in pay by 2 stages for a period of three years with cumulative effect and having the effect of postponing plaintiff's future increments are illegal, ultravires, void and inoperative.

2. The applicant has contended that the officer-in-charge General Manager Parachute Factory had no power to serve the charge-sheet as he had no disciplinary power vested in him and the proceedings against him thereon were illegal. It has been pointed out in the written statement that Officer-in-charge Ordnance Factory who started proceedings were delegated the same powers as General Manager vide letter dated 12th December, 1958, Ministry of Defence letter no. 11 (14)/65/1/D(FY) dated 9th of May, 1967, the Director General Ordnance Factory letter no. 269/A/A (iii) dated 2nd of March, 1972 and the Additional Director General, Ordnance Factory/Ordnance Equipment Factories Group, Kanpur letter no. 18/A/A DEF dated 13th of November, 1979 have delegated the powers to the Officer Incharge. Thus ~~in view~~ the proceedings were taken by the Competent Authority. The contention on behalf of the applicant that these

powers were of appointing authorities and not the disciplinary authority has got to be rejected and it is the appointing authority who ~~he~~ cannot act as disciplinary authority. Accordingly so far as the enquiry proceedings are concerned it is not beyond the ^{scope} of law ^{to} and accordingly we do not find any ground to interfere with the punishment order. But as a minor punishment has been given, the applicant will be entitled to full salary for the entire suspension period. But for the above observations the applicant should be entitled to full salary for the period during which he was under suspension which shall be paid to him within the period of three months from the date of the communication of this order. The application is disposed of in respect of the other reliefs. No order as to the costs.

Member (A).

Dt: August 10, 1992.

(DPS)

Vice Chairman.