

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

T.A.No.1068 of 1986.

H.C.SethiApplicant.

Versus

Union of India & another ..Respondents.

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

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

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

The applicant while working as Examiner Grade II(Skilled) in Small Arms Factory, Kanpur, was charge-sheeted along with three other persons for mis-conduct. Prior to the issuance of charge-sheet, a Board of Enquiry was set-up which, after a detailed enquiry, came to a particular conclusion which was followed by a charge-sheet. Three charges were framed which are as under:-

" ARTICLE OF CHARGE-I

'Gross Mis-conduct' in that the above said Shri Harish Chandra Sethi, T.No. 51/V while functioning as Examiner Gr.II, SAF, Kanpur, unauthorisedly assembled near Gate of Dispensary at about 11.15 a.m. on 3.12.82 leaving his place of duty and took leading part in shouting derogatory slogans against Shri R.P.Jauhari, DGM(P & DD).

ARTICLE OF CHARGE -II

'Gross Mis-Conduct' in that the above said Harish Chandra Sethi, T.No.51/V, Examiner Gr.II, SAF, Kanpur while shouting derogatory slogans followed Shri R.P.Jauhari, DGM(P & DD) on 3.12.82 from Gate Dispensary and forcibly entered into the office of Shri R.K.S.Joshi, Works Manager(Admn).

ARTICLE OF CHARGE-III

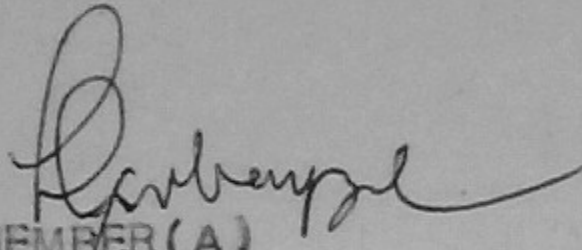
'Gross Mis-Conduct' in that the above said Shri Harish Chandra Sethi, T.No.51/V, Examiner Gr.II, SAF, Kanpur having entered in the office of Shri R.K.S.Joshi, WMA-2 on 3.12.82 while shouting derogatory slogans, used abusive language, instigated the mob to assault Shri R.P.Jauhari, DGM(P & DD) and indulged in disorderly behaviour, thereby rendering himself unbecoming of a Govt. servant."


2. Along with the applicant, three other persons were also charge-sheeted. Out of the aforesaid three

charges, two charges; namely charges no. I and II were common and charge no. III was against the applicant. Thus, one more charge was levelled against the applicant. A departmental enquiry proceeded and the Enquiry Officer, after a thorough enquiry, submitted his finding to the Disciplinary Authority who acting upon the Enquiry Officer's report, passed the punishment order. After exhausting the departmental remedy, the applicant filed a Civil Suit in the Court of Munsif City, Kanpur which, by operation of law, has been transferred to this Tribunal. The punishment order has been challenged on variety of grounds including that the authority who passed the punishment order, was not competent but ultimately, the learned counsel admitted that this question has been answered by the Supreme Court that it is no longer open to contest the same. So far as the departmental enquiry is concerned, full opportunity to defend himself was given to the applicant. The learned counsel for the applicant contended that similar charge-sheet was issued against all the four persons but similar punishment has not been given and as such the applicant has been discriminated inasmuch as he was given punishment of reduction in rank while the other three persons were let off ^{with} minor penalty. We have gone through the charges levelled against the applicant and the other three persons and found that there was one more additional charge against the applicant and when all the charges were proved, it cannot be said that any discrimination was done to the applicant. Because there was one more charge, that is why the applicant was awarded penalty of reduction in rank and the plea, raised by the learned counsel for the applicant that the punishment order was arbitrary, illegal and in

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violation of Article 311(2) of Constitution of India, cannot be sustained and accordingly the application is dismissed .No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: JULY 20, 1992.

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