

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

....

Registration T.A. No.1219 of 1986  
( O.S. No. 459 of 1983 )

Mohammad Hanif ... .. Applicant.

Versus

General Manager Ordnance Clothing  
Factory Shahjahanpur and others ... Respondents.

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Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

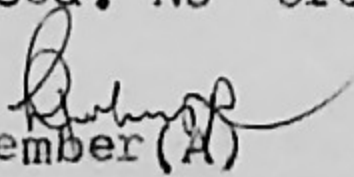
( By Hon. Mr. Justice U.C. Srivastava, V.C. )

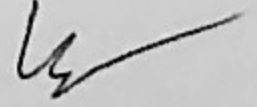
This is a transferred case under Section 29 of the Administrative Tribunals Act, 1985. The applicant was charge-sheeted because of the misconduct committed by him in as much as another employee namely Mohd. Sami was said to have been beaten by him on duty. The suit was filed and enquiry proceedings were still going ahead but later on an amendment was made and the applicant challenged the punishment order and by way of amendment he took yet another ground that the punishment which has been given to him and Mohd. Sami was not similar, although, at the most it was a case of quarrel between two persons and the roll of both was the same.

2. In the written statement, the respondents have denied the averments made by the applicant and have stated that there had been exchange of hot words between applicant and Mohd. Sami Khan, Tailor and both of them quarreled and indulged in physical fighting and thereby disturbed peace and shop discipline. The matter was investigated and

it was found that both the persons having committed acts of indiscipline, and that is why they were placed under suspension and charge-sheet was issued to both of them for their mis-conduct and the departmental enquiry proceeding and the applicant was given an opportunity to defend himself. The applicant has challenged the entire proceedings on the ground that an opportunity of hearing was not given to him and also the punishment order is dis-similar and more punishment was given to him in comparison of Mohd. Sami.

3. We have looked into the records produced by the learned counsel for the respondents and found that the full opportunity of defend himself was given to the applicant and from the record, we have found that the equal punishment was given to both in as much penalty of reduction of pay by two stages for a period of one year was imposed on Mohd. Hanif and the same penalty was also given to Mohd. Sami. As such, there appears to be no merits in this case and the application is hereby dismissed. No order as to costs.

  
Member (A)

  
Vice-Chairman

Dated: 9.2.1993

(n.u.)