

(PZV)

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (T.A.) No 1278 of 1986

Jai Narain Plaintiff-Applicant.

Versus

Union of India & others Defendant-Respondents.

Hon'ble K.S. Puttaswamy, V.C.
Hon'ble Ajay Johri, A.M.

(Delivered by Hon. K.S. Puttaswamy, V.C.)

This is a transferred application and is received from the court of Munsif, Shahjahanpur, under Section 29 of the Administrative Tribunals Act XIII of 1985 (Act).

2. The applicant is a permanent civilian employee in the Ordnance Clothing Factory of Defence Department situated at Shahjahanpur. (Factory) When he was on duty on 5.1.1983 in the Factory there was an incident between him and other co-employees. On that incident the General Manager of the Factory (GM) initially kept the applicant ^{then} under suspension from 7.1.1983 and commenced disciplinary proceedings against him and certain others under the C.C.S. (C.C. & A.) Rules, 1965 (Rules). On 22.6.1983 the G.M. by his order No.VIG/162-C/IE/04/83(14)/I, inflicted on the applicant the penalty of withholding of increment of his pay for a period of one year with cumulative effect. In pursuance of the said order of the G.M. the applicant was reinstated to service from 22.6.1983, from which date



he has been working in one or the other capacity.

3. In implementation of his order dated 22.6.1983 the G.M. by his memorandum No. VIG/162-C/IE/04/1983(14), dated 21.1.1984 called upon the applicant to show cause as to why the period of suspension from 7.1.1983 to 22.6.1983 should not be treated as such or for such leave as he was entitled thereto under the rules. In response to the same the applicant filed a reply before the G.M. inter alia, stating that he was proposes to challenge this order dated 22.6.1983 court of law.

4. On 9.2.1984 the applicant Instituted Original Suit No. 102 of 1984 in the court of Munsif, Shahjananpur challenging the validity of the order dated 22.6.1983 and show-cause notice dated 21.1.1984 on diverse grounds, which on transfer has been registered as Registration No. 1278 of 1986. The applicant has urged that the order imposing him penalty of withholding of increment was in contravention of the rules and the principles of natural justice and illegal. On this basis, the applicant has also urged that the show-cause notice was illegal and invalid.

5. In their written statement the respondents have asserted that the disciplinary proceedings completed against the applicant were in conformity with the Rules and the principles of natural justice and were legal. The respondents have asserted that the show-cause notice issued by the General Manager proposing as suspension or as leave to which he was entitled to was in conformity with Article

193 of the Civil Services Regulation (CSR).

6. Sri R.K. Agarwal, learned counsel for the applicant, ^{now} contend that the disciplinary proceedings instituted and completed against the applicant were in contravention of the rules and the principles of natural justice.

7. Sri K.C. Sinha, learned counsel for the respondents, contend that the disciplinary proceedings commenced and completed against the applicant were in conformity with the rules and the principles of natural justice and do not suffer from any infirmity.

8. We have carefully examined the disciplinary proceedings instituted completed and the final order made by the G.M. on 22.6.1983.

9. We find that the applicant had been afforded all reasonable opportunity to defend himself against the charges. We also find that the findings of the authorities are based on evidence placed before the Inquiry Officer. We, find no infirmity in the disciplinary proceedings instituted and completed or the final order made by the G.M. on 22.6.1983 against the applicant. From this it follows that this challenge of the applicant has no merit and is liable to be rejected.

10. In the show-cause notice issued by him the General Manager had proposed to treat period of suspension of the applicant as such or as such leave to which he was entitled to under the rules. Before us the applicant has filed a memo stating that he is agreeable to treat the period of his suspension as leave to which he was entitled to under the rules. The memo filed by the applicant thereto reads thus :-

" My suspension period may kindly be treated as leave due. There will be no objection for me. "

On the very terms of the show cause notice, this option of the

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applicant has to be accepted by us and appropriate directions us that behalf issued to the G.M.

11. Sri Agarwal lastly contend that even after expiry of the period of punishment imposed by the G.M. the other increments that became due to the applicant had been sanctioned and paid to him and appropriate directions in that behalf the made to the G.M.

12. Sri Sinha Does not rightly dispute the right of the applicant for grant of other increments and their payment, if not already made.

13. On the expiry of the punishment upheld by us, the G.M. is bound to extend ~~all~~ other increments due to the applicant, if not already sanctioned and paid to him so far. We are of the view that this relief which is ~~incontravertible~~ should also be granted notwithstanding the fact that a specific relief had not been sought in the application.

14. In the light of our above discussions we made the following orders and directions :-

(i) We dismiss this application in so far as it Challenge the order dated 22.6.1983 of the General Manager and uphold the punishment imposed in that order .

(ii) We direct the General Manager to treat the period of suspension as such as leave to which the applicant is entitled to under the rules of the show cause-

(iii) We direct the General Manager to grant all other increments to become due in accordance to law.

(iv) We direct the General Manager to extend all such financial benefits to which the applicant is entitled to with all such expenditure as is possible in the circumstances and in any cost within a period of four months from the date of receipt of this order.

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15. Application is disposed of in the above terms.
But in the circumstances of the case, we direct the parties to
bear their own costs.

M. S. Pradeep
Vice-Chairman 10/10/87

3/10/87
Member (A)

Dated: November 10, 1987.