

(A2/2) (S)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHAHABAD BENCH.

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Registration O.A. No. 74/of 1987

Paramjit Singh Sodhi Applicant.

Versus

The General Manager

Ordinance Factory, Murdnagar

and others Respondents.

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

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

The applicant was served with a charge-sheet dated 5.1.1984. He was charged for Gross Misconduct & attempting theft of Government property in so far as while he was passing out through Main Gate of the Factory at @@@ about 6.10 p.m. on 27.12.1983. The applicant has refuted the charges levelled against him. An enquiry officer was appointed. Before the enquiry officer, the applicant submitted his defence statement and denied the charges. Thereafter, a detailed enquiry proceeded and after recording the evidence of the parties, the enquiry officer came to the conclusion that the guilt against the applicant is proved and he submitted his report to the disciplinary authority and the disciplinary authority on the basis of the report of the enquiry officer dismissed the applicant from service. The applicant filed a departmental appeal against the same which was also dismissed.

2. The learned counsel for the applicant contended that the punishment order has been passed by the authority who was not competent to do so, and all

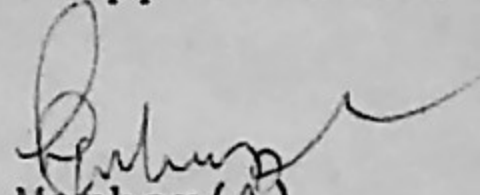
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the proceedings which were taken against the applicant were the result of the animosity of the other persons. May be so, but the applicant was given an opportunity before the enquiry officer and the enquiry officer after recording the evidence came to a particular conclusion. The learned counsel then contended that the applicant wanted to examine a particular witness who was ~~the~~ very important witness but the witness was not summoned on the ground that he was not ready to come before the court. It was further contended as has been pleased that he was also not allowed to cross-examine the witnesses. May be so, but there is no warrant for saying the same and no such application was moved. Regarding opportunity, again it was reiterated that full opportunity was given to the applicant. In case there is no evidence, the Tribunal could interfere but it can not be said that the opportunity of hearing was ^{not} given to the applicant and the findings so recorded can not be upset on this ground.

3. It was lastly contended that the quantum of punishment is very harsh and excessive, may be so, but the Tribunal is not competent to interfere in the quantum of punishment. We may have agreed with the learned counsel for the applicant to ~~the~~ some extent but it is not possible for us to enter into the quantum of punishment.

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4. Accordingly, the application deserves to be dismissed. However, it is open for the applicant, notwithstanding the dismissal of this application, to approach the departmental authority with a review application. No order as to the costs.


Member (A)


Vice-Chairman

Dated: 23.11.1992

(n.u.)