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Registration O.A. No. 776 of 1987

Puttan Singh Applicant

Union of India & Others Respondents.

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eight persons out of which 2 were on night shift, 4 were on leave and one had gone to Tool Room to sharp carbide Tool and remaining one employee was already working.


3. The counter version is that when Dy.C.M.E. made the checking on 21.1.66 at 4 P.M. he found four members of the staff not available. Out of 11 persons 4 were on leave, 2 were on night duty and four persons of ~~days shift~~ ^{the} should have been available in the shop, ~~floor~~ ^{the}. When the Assistant Shop Supdt. was on sick list and the sectional Chargeman was also out, the applicant was the only senior chargeman whose responsibility was to check the attendance of the staff and he failed to explain as to why four members of the staff as ^{stated} above were not present. As such a minor penalty was imposed. The only contention of the applicant is that he was Incharge of Wheel Renewal Section and not of the whole section. He could not establish ~~that~~ the same nor controvert the defence version that the Asstt. Shop Supdt. and the Sectional Chargeman were out and the applicant was the only senior chargeman available on the spot. As such it was the duty of the applicant to check the attendance. It is not disputed that four persons were not available on the spot though they should have been

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on duty. In this view of the matter we find no illegality in the impugned order. Only one contention was raised by the applicant that he was not Incharge of whole Section. This contention is not correct. So on the facts and circumstances of the case it is immaterial that the appellate authority has not given reason for rejecting the only contention of the applicant that he was not Incharge of the whole Shop. The charges are very clear. The applicant's explanation was obtained and found unsatisfactory. There appears to be no procedural irregularity in imposing the punishment. To our mind neither justice nor law has suffered. The petition is dismissed with costs on parties.


Vice Chairman

Dated the 15 March, 1988

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