

7

$\frac{42}{1}$

O.A.No.726/88

Vs.

Union of India & Others ::: ::: Respondents

Hon. Mr. K. Obayya. A.M.

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

The applicant, who was working as Supervisor-B (Non-Technical) in the Stores Section of the Field Gun Factory, Kanpur, was served with a charge-sheet dated 15-4-85. The charges against the applicant were in respect of mis-conduct, carelessness of duty, improper maintenance of records, attempted theft of Govt. property, Violation of rule 3(1)(iii) of CCS conduct rules, dereliction of duty, etc. All these actions started when a big gunny bag was discovered in which Nickel Pellets were found. In addition to this a sealed drum containing 250 kgs. Nickel Pellets were also recovered. When the Godown of the Steel Melting shop was checked by the Security on 18-1-85 shortage of 975 Kgs. of Nickel Pellets was detected. A detailed enquiry was conducted and the applicant participated in the enquiry proceedings. After the enquiry, the Enquiry Officer submitted a report. The disciplinary authority held the applicant guilty and imposed a punishment of stoppage of increment, when next due, for a period of three years with cumulative effect, and it was also further ordered that the increment of the applicant will fall due.

(B)

(12/11)

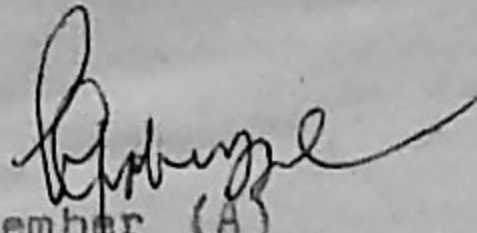
a after 36 months' qualifying service from the applicant's
due date of
next/increment, if otherwise eligible and further
reserving the right to recover the alleged pecuniary
loss from the pay of the applicant at the appropriate
stage and also proposing to pass orders to the effect
that the applicant would not be paid the difference
between his normal pay and allowance and the subsistence
and other allowance already paid to the applicant for
the period of suspension from 20-2-85 to 26-1-87.


2. Against the punishment order the applicant filed
a departmental appeal. He waited for about 11 months
but as the appeal/representation dated 15/4/87 was not
disposed of, the applicant has approached the Tribunal.
The applicant has challenged the findings on a variety
of grounds, including the ground that he was not given
a reasonable opportunity and the facts have not been
correctly analysed. It has also been contended by the
applicant that there was no dereliction of duty,
on his part
negligence or carelessness/and he was not guilty.
May it be so, all these facts and questions could
have been decided by the appellate authorities, but
they were sitting tight over the matter without deciding
the same. As these facts and questions including
the quantum of punishments can be better decided by
them in appeal, we allow this application to the extent
that we direct the appellate authorities to dispose of
the appeal/representation filed by the applicant against
the punishment order, within 3 months from the date of
the receipt of the copy of this order. The appellate
authorities shall take into consideration all the pleas

(9)

42/3

reised by the applicant. No order as to the costs.


Member (A)


Vice-Chairman.

Dated: 7th September, 1992, Allahabad.

(tgk)