

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD.

D.A.No.726/88

B.P. Sonker : : : : : Applicant

vs.

Union of India & Others :::: Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

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 misconduct, carelessness of duty, improper maintenance of records, attempted theft of Govt. property, Violation of rule 3(1) of CGS conduct rules, dereliction of duty, etc. (iii) 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

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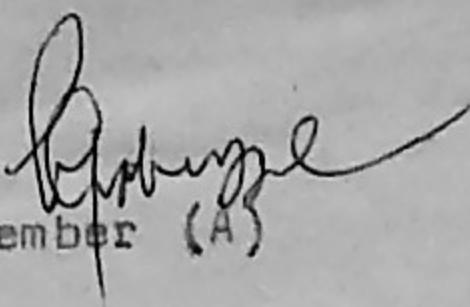
a after 36 months' qualifying service from the applicant's due date of next increment, if otherwise eligible and further reserving the right to recover the alleged pecuniary loss from the pay of the applicant at the appropriate stage and also proposing to pass orders to the effect that the applicant 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, 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

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


Member (A)


Vice-Chairman.

Dated: 7th September, 1992, Allahabad.

(tgk)