

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of August of 2000.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Biswas, Member (A).

Original Application No. 1575 of 1992.

Mahendra Singh, aged about 53 years,  
S/o late Thakur Singh, R/o 126/11, G-Block,  
Govind Nagar, Kanpur, presently employed as  
Lower Division Clerk (L.D.C.), Ordnance Parachute  
Factory, Kanpur.

.....Applicant.


Counsel for the applicant:- Sri N.K. Nair  
Sri M.K. Updhyay.

V E R S U S

1. Union of India, through the Secretary,  
Ministry of Defence, Department of Defence  
Production, Government of India, New Delhi.
2. Additional Director General, Ordnance Factories,  
C.E.F Group Head Quarters, ESIC- Bhawan,  
Sarvodaya Nagar , Kanpur.
3. General Manager, Ordnance Parachute Factory,  
Kanpur.

.....Respondents.

Counsel for the respondents:- Km. Sadhna Srivastava



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O R D E R (oral)

( Hon'ble Justice R.R.K. Trivedi, V.C.)

This application under section 19 of the Administrative Tribunals Act, 1985 has been filed for a direction to the respondents to restore the applicant to his original post of U.D.C. with effect from the date of expiry of the period of reduction vide order dt.04.12.1979, with all consequential benefits.

2. The facts of the case are that the applicant was initially appointed as Tailor in the Ordnance Clothing Factory, Shahjahanpur on 03.08.1961. He was promoted to the Lower Division Clerk on 05.05.62 and later on he was again promoted to Upper Division Clerk on 01.01.1973. Due to certain misconduct, disciplinary proceedings were initiated against the applicant. Disciplinary authority after completion of the enquiry, removed the applicant from service by order dated 12.05.1979. Appellate authority however, by order dated 04.12.79 reverted the applicant to the post of L.D.C. for a period of two years. Both the aforesaid orders were challenged by the applicant in original suit no. 679/83 which was transferred to this Tribunal and was registered as T.A. No.100/1988. A division bench of this Tribunal by order dated 25.03.92 dismissed the application with the following order :-

"Further more the applicant lateron admitted his guilt also and the fact remains that even if there was no corrupt intention the irregularities are there and for these irregularities



only the punishment was given and there are no good grounds to interfere with the same and as such the application has got to be dismissed. Learned counsel for the applicant Sri M.K. Updhyay holding brief of Sri Nair who appeared in the case and requested that the case may be adjourned so that the Senior may argue the case. It is not a good ground to adjourn this case in absence of Senior counsel and accordingly his request was rejected earlier. It is expected that the applicant must have been promoted to the post of U.D.C. in usual course. As there is no good ground to interfere, the application shall stand dismissed. No order as to costs."

Against the aforesaid order applicant filed a review application No. 985/1992. The Division Bench rejected the review application by saying that :-

" Regarding the observation as to his promotion after period of punishment is concerned it would mean after two years and not three years. Obviously in accordance with law there being no plea that it would be automatic. " The application was rejected.

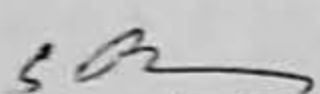
3. In view of the aforesaid applicant is <sup>not</sup> entitled for the relief claimed in this O.A. The contention of the learned counsel for the applicant is that as a period of punishment was only for two years, <sup>or</sup> After expiry of the period applicant should have been automatically promoted to the post of U.D.C. but this claim was already rejected by this Tribunal in earlier judgment mentioned above and it is not to this Tribunal to re-examine the same issue.

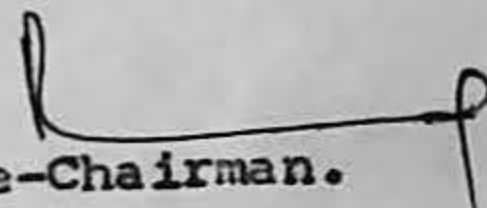


4. It is also clear from the record that applicant has already <sup>been</sup> compulsorily retired by way of punishment in a seperate disciplinary proceeding.

5. In this circumstances the application has no merit and is accordingly rejected.

6. No order as to costs.

  
Member (A)

  
Vice-Chairman.

/Anand/