

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 11th day of July, 2001.

Original Application No.1355 of 1993.

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

Shri Awadesh Kumar Tewari,
Ex.T No.822/MS, Ordnance Equipment Factory,
Kanpur, resident of 107/76, Jawahernagar,
Kanpur.

(Sri R.M. Shukla, Advocate)

. Applicant

Versus

1. The Union of India through Secretary
Ministry of Defence, New Delhi.
2. The Additional Director General of Ordnance
Factories, O.E.F. Headquarters,
ESIC Bhawan, Kanpur.
3. The General Manager, Ordnance Equipment Factory,
Kanpur.

(Km. Sadhna Srivastava, Advocate)

. Respondents

O R D E R (O_r_a_l)

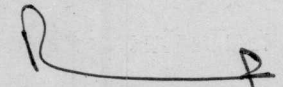
By Hon'ble Mr. Justice RRK Trivedi, V.C.

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 against the order dated 10-2-1992 by which he has been removed from service on conclusion of the disciplinary proceedings against him. He has also challenged the order dated 25-9-1992 by which his appeal has been dismissed by the appellate authority.

2. The facts giving rise to the case are that unauthorised Government material was recovered from the applicant on 25-7-1987 at about 4.50 P.M. It was taken up as case of attempted theft and memo of charge dated 30-8-1987 was served on the applicant. He filed his reply and denied the charge. Thereafter Inquiry Officer proceeded with the enquiry proceedings and submitted the report with the conclusion

that the misconduct has been established. The disciplinary authority agreed with the opinion of the Inquiry Officer and passed the order of removal. The appellate authority examined each and every aspect of the case in appeal and then found that the order of punishment passed against the applicant is justified. Considering the quantum of punishment he has noticed that for the same charge the applicant was punished on 27-3-1986 withholding increments. Thus, it appears that the applicant was frequently involving himself in such activities. The charge levelled against the applicant has been found proved and being of serious nature, the punishment awarded also appears to be commensurate. The orders do not suffer from any error of law calling for our interference. The OA lacks merit and is accordingly dismissed. No costs.


Member (A)


Vice Chairman

Dube/