

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF SEPTEMBER, 2000

Original Application no.1031 of 1994

CORAM:

HON.MR.JUSTICE RRK TRIVEDI,V.C.

HON.MR.M.P.SINGH, MEMBER(A)

Sudhir Kumar Upadhyay, a/a 35 years, Son of Late Daya Shanker Upadhyaya, R/o H.NO.72, Anandpuri, Kanpur, previously employed as Chargeman Grade-II, Senior Quality Assurance Establishment(General Stores) (SQAE(GS), Kanpur

... Applicant

(By Adv: Shri N.K.Nair)

Versus

1. Union of India through the Secretary Ministry of Defence, Department of Defence Production & Supplies, Government of India, New Delhi.
2. The Director General Quality Assurance Directorate General of Quality Assurance, Department of Defence Production & Supplies D.H.Q,P.O New Delhi
3. The Director Quality Assurance(Stores) Directorate General of Quality Assurance DHQ PO New Delhi

... Respondents

(By Adv: Shri Satish Chaturvedi)

O R D E R(Oral)

(By Hon.Mr.Justice RRK Trivedi,V.C.)

This application u/s 19 of the A.T.Act 1985 has been filed challenging the order of punishment dated 30.9.1993 by which the applicant has been removed from service. The order has been confirmed in appeal vide order dated 11.4.1994. It is not disputed between the parties that similar proceedings were initiated against Harihar Prasad Tiwari. The charges were similar and evidence was also similar and both were awarded identical punishment. This Tribunal in OA No.1288/94 has set aside the order of punishment and passed the following order:-

- (i) quash the order of removal dated 30.9.1993 and order of Appellate Authority dated 10.5.1994

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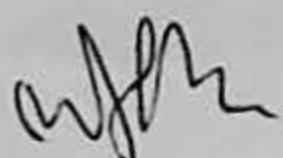
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(ii) direct the respondents to reinstate the applicant in service.

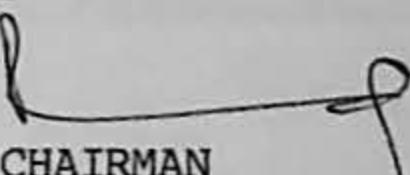
(iii) The applicant is also entitled to backwages from the date of removal to the date of reinstatement as per Fundamental Rules

No order as to costs."

We are in full agreement with the judgment passed by the Division Bench of this Tribunal on 26.4.1999. The only difference noticed by us is that the order of Appellate Authority were passed on different dates. This application is accordingly decided on same terms and conditions as provided in the order dated 26.4.1999. No order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 4.9.2000

Uv/