

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 22nd day of February, 2002.

Original Application No.1082 of 1994.

CDRAM :-

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

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

Zaheer Hussain

S/o Iftikhar Husain,

R/o 339/1, Juhi Lal Colony,

Kanpur.

(Sri Arvind Kumar, Advocate)

. Applicant

Versus

1. Union of India through the
Secretary Ministry of Defence
New Delhi.
2. Additional Director General,
Ordnance Factories,
Ordnance Equipment Factory,
Group Head Quarter,
E.S.I.C. Bhawan,
Sarvodaya Nagar, Kanpur.
3. General Manager,
Ordnance Parachute Factory,
Kanpur.

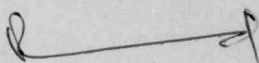
(KmiSadhna Srivastava, Advocate)

. Respondents

ORDER (O_r_a_l)

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

By this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 2-1-1992 by which he was removed from service on conclusion of the disciplinary proceedings. Against the



aforsaid order the applicant filed an appeal which has been dismissed vide order dated 10-1-1994, which has also been challenged.

2. The facts of the case are that the applicant was serving as Tailor (Skilled) in Ordnance Parachute Factory, Kanpur. He absented in the month of June, 1990 and July 1990 on 13 days. He was instructed to be regular in service but he failed to correct himself. Consequently, disciplinary proceedings were initiated on the basis of memo of charge dated 4-9-1990. The applicant refused to accept the memo of charge. Ultimately it was served on him in presence of two Government Officials. The applicant failed to submit any reply in the enquiry. The Inquiry Officer submitted his report, a copy of which was also sent for service alongwith the letter dated 01-5-1991 but it was also not replied and the applicant avoided to accept the same. The disciplinary authority agreeing with the enquiry report passed the order of removal dated 2-1-1992. The appeal filed by the applicant has been dismissed on 10-1-1994. As the applicant failed to give any explanation about his absence from his duty on the relevant date, the charge has been rightly proved against him.

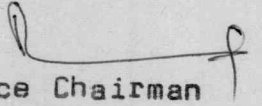
3. Learned counsel for the applicant, however, submitted that even if the charge is found proved against the applicant the punishment awarded is harsh and not commensurate to the charge. ^{or 4} ~~As such~~ the applicant could ^{challenge the punishment} ~~be punished~~ only in case the applicant could have brought on record some explanation for his absence. Absence from duty and that too in an organisation like Ordnance Parachute Factory, which is connected with the defence of the country, ^{is} ~~is~~ is

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serious misconduct. It is a case of total absence of explanation. In the circumstances we are not prepared to interfere with the punishment awarded by the departmental authorities. The OA has no merit and is accordingly dismissed. There shall be no order as to costs.



Member (A)



Vice Chairman

Dube/