

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 20th day of February, 2001.

C O R A M:- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Dayal, Member- A.

Orginal Application No. 1142 of 1995

P.C. Bajpai a/a 52 years, S/o Sri R.D. Bajpai
R/o 168, Nankari, I.I.T, Kanpur. Presently employed as
Miller (HS-II), Ticket No. 855/LC, Field Gun 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. Chairman, Ordnance Factory Board/ Director General
of Ordnance Factories, 10-A, Auckland Road, Calcutta.
3. General Manager, Field Gun Factory,
Kanpur.

.....Respondents.

Counsel for the respondents:- Sri Ashok Mohiley.



O R D E R (oral)

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

By this application under section 19 of Central Administrative Tribunal's Act, 1985, applicant has challenged the punishment awarded to him by disciplinary authority vide order dt. 02.08.94. Applicant has been reduced in pay scale of Rs. 1350 from Rs. 1380 for a period of one year with cumulative effect and he will not get increment of pay during the period of reduction. The punishment has been confirmed by the ~~disciplinary~~ authority namely Ordnance Factory Board on 05.07.95. Learned counsel for the applicant has submitted that the Enquiry Officer has exonerated the applicant of both charges. However, the disciplinary authority without mentioning any memorandum of dis-agreement, dis-agreed with the report of the Enquiry Officer and has punished the applicant. Learned counsel for the applicant has submitted that as there was ~~no~~ ^{reason in} ~~unreasonable~~ memorandum of dis-agreement, the applicant ^{and no} could not have the opportunity of hearing ^{in violation} of principles of natural justice.

2. Sri Ashok Mohiley, learned counsel for the respondents on the other hand has submitted that present applicant and R.S. Tewari both ~~were~~ ^{were} ~~cruelled~~ ^{on 17.09.90} and caused injury to each other. Both have been punished by the disciplinary authority. It is also stated ^{that} in the memorandum of dis-agreement dt. 16.06.94, sufficient grounds have been mentioned.

3. We have carefully considered the submissions and also examined the enquiry report dt. 02.02.94 (annexure A- 9) and the memorandum of dis-agreement dt. 16.06.94 (annexure A- 14). From the perusal of the

enquiry report it is clear that Enquiry Officer proceeded taking assistance very lightly and gave report that the available prosecution documents and the statement and evidence do not conclusively prove that Sri P.C. Bajpai has absued and assulted Sri R.S. Tewari. Also his specific intention of physically harming Sri Tewari could not be proved.

4. In view of the above none of the articles of charges levelled against Sri P.C. Bajpai are proved. He should be absolved of all charges levelled against him. From the report it is clear that he has not discissed with the documents and witnesses who supported the case of the department against the applicant.

5. In the memorandum of dis-agreement, disciplinary authority recorded the following reasons for dis-agreeing with the report :-

" The Enquiry Officer in his enquiry report has explained that there was scuffle due to enmity between Sri P.C. Bajpai & and Sri R.S. Tewari on 17.09.90 and they were referred to O.H.A. Moreover both the individuals are complainant against each other and during C of I Sri R.S. Tewari has deposed that he was beaten by Sri P.C. Bajpai & after getting the injury, momentarily he become senseless due to internal injury on soft part. The second PW- Sri S.K. Roy, then F/GS-I has deposed during C of I that when he was taking round with S.O, I.O & and M.O to see cleanliness, near grinding group they saw a crowd gathering at the north end, Sri P.C. Bajpai & Sri R.S. Tewari had quarellled/ beat each other.

In view of the above, it is apparent that Sri P.C. Bajpai, Miller (HS-II), T. No. 855/GC/FGK indulged in abusing/ assualting/ beating

Sri R.S. Tewari on 17.09.90 causing injuries to Sri Tewari. As such articles of charge-I and II are proved against Shri P.C. Bajpai."

6. Thus it is difficult to accept the contention of learned counsel for the applicant that disciplinary authority did not mention any reason. In-fact Enquiry Officer had not shown any reason for exonerating the applicant. In the facts and circumstances the proceedings ^{and orders passed} against the applicant did not suffer from any legal infirmity, ~~and the orders~~. There is no need of any interference by this Tribunal. The O.A is dismissed accordingly.

7. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/