

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 1st day of February, 2005.

QUORUM : HON. MR. JUSTICE P. SHANMUGAM, V.C.  
HON. MR. S. C. CHAUBE, A.M.

O.A. No. 456 of 1999

Anil Kumar, Son of Sri Manna Lal, R/O 130/12 Bagahi, T.P.

Nagar, Kanpur-23..... ....Applicant.

Counsel for applicant : Sri B.N. Singh.

Versus

1. Union of India through the Secretary, Ministry of Defence,  
Production, Government of India, New Delhi.

2. Additional Director General, Ordnance Equipment Factories  
Group Headquarter, G.T. Road, Kanpur.

3. General Manager, Ordnance Equipment Factory, Kanpur.

..... ....Respondents.

Counsel for respondents : Km. S. Srivastava.

ORDER

BY HON. MR. JUSTICE P. SHANMUGAM, V.C.

The applicant was working as Tailor in the Ordnance Factory and has challenged the order of penalty of removal from service.

2. The applicant was appointed in the year 1980 and was serving as Tailor before the initiation of the disciplinary proceedings. The chargesheet dated 6.2.96 was issued against the applicant alleging that he had admitted <sup>have stolen</sup> to ~~steal~~ canvas bag and that he was in unauthorised possession of Government material. The chargesheet contain the list of documents and list of witnesses to substantiate the charges and the applicant has submitted his written statement of defence and an inquiry was constituted and was completed as per the procedure. The Inquiry Officer found that the charges were established. The applicant was given full opportunity for cross-examining the witnesses as well as inspection of documents. On the basis of the report, the Disciplinary Authority had taken a serious view to the

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effect that the applicant had admitted to steal the Govt. property and was in possession of the said property and it shows that the applicant was dishonest and was not suitable for the service. The respondents took <sup>the</sup> ~~that~~ in order <sup>to</sup> curb the <sup>that</sup> tendency of property on one pretext or other and considering the gravity of the offence, the penalty of removal from service was imposed. The applicant had filed an appeal, which was time barred but was rejected on merits and his petition for review also was rejected by the Competent Authority as per Annexure CA-3. However, without referring to these, appellate orders and order of review, the O.A. has been preferred.

3. It is seen from the records that the applicant had given a statement on 2.11.1995 that he was taking out the bag by mistake. The said statement was given before the Orderly Officer. It is further seen from the evidence that when the Security staff on duty was asked to show the authority for going out early on 2.11.1995, the applicant had failed to show the authority and on his search, it was found that he was holding a bundle of clothes wrapped in his newspaper and it was further found that a bag of canvas O.G. measuring 22 of ~~inch~~ and 23 inch was found therein.

Coupled with the fact of recovery and <sup>the</sup> ~~his~~ oral evidence to substantiate the same, we find that the applicant had sufficient opportunity to defend his case. We also find that the inquiry was properly conducted and he was given sufficient opportunity to put up his defence statement as well as representation before the Disciplinary Authority.

He had further appealed and reviewed and ~~both~~ were dismissed. Considering the serious nature of charge and the proof thereof and stand taken by the Respondents, we do not find any infirmity in the proceedings and findings on merits. Hence no ground is made out to interfere with the punishment and the O.A. is accordingly dismissed.

No order as to costs.

Asthana/

A.M.

V.C.