

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15TH DAY OF NOVEMBER, 2000

Original Application No.1317 of 1999

coram;

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.NR.S.DAYAL, MEMBER(A)

Har Charan Lahariya a/a 48 years
Son of Shri Hari Ram Lahariya,
R/o 10/17 Nagar Mahapalika Colony,
Dada Nagar, Kanpur.

... Applicant

(By Adv: Shri R.K.Nigam)

versus

1. Union of India through Secretary
Ministry of Defence, Defence H.Qrs
New Delhi.
2. Director General, ordnance Factory
10-A, Saheed Khudi Ram Bose
Road, Calcutta
3. General Manager(Admn) Field Gun
Factory, Govt.of India,Ministry
of Defence, Kalpi road, Kanpur.
4. Dev Saran, Zamadar Darwan, Field
Gun Factory, Kalpi Road, Kanpur.

... Respondents

(By Adv: Shri Ashiok Mohiley)

O R D E R(Oral)

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


By this application u/s 19 of the A.T.Act 1985 the applicant has challenged the orders dated 9.12.1998 and 11.8.1999 by which applicant has been punished for misconduct and has been reduced to lower grade of Grinder(SKD) for a period of three years. Learned counsel for the applicant challenged the Appellate order by saying that the order is short and cryptic and material points have not been discussed. We have examined the order. It cannot be said

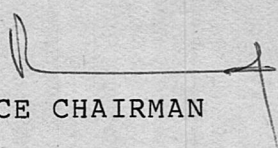
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that the order is cryptic and short. The Appellate Authority firstly has noted the charge, then in seriatum all the points raised before it have been ^{mentioned} ~~raised~~ and answered one by one. The Appellate Authority in our opinion has properly handled the matter and decided the appeal in accordance with law. The applicant also challenged that there ^{at least} ~~will be~~ only interested witnesses and no independent witness was examined. This aspect of the matter has been considered by the Appellate Authority and said that as the incident took place near the security office, hence only persons belonging to the security staff ^{could} ~~would~~ be natural witnesses. Lastly the applicant has submitted that the punishment awarded is disproportionate to the charge alleged against the applicant. We have examined the matter and find that on 27.10.1997 at 06.35 hours the applicant misbehaved and created a scene which was unbecoming of a government servant. For the aforesaid misconduct reduction in rank for three years in our opinion is not excessive. The order further says that on completion of three years the applicant shall be promoted into higher grade.

For the reasons sated above we do not find ^{any} ~~any~~ illegality in the orders. The application has no merit and is accordingly dismissed. No order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 15.11.2000

Uv/