

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

Q.A. No.
T.A. No. 360/87

198

DATE OF DECISION 11.7.1991

S RAGHVENDRA S NARSINGDAS Petitioner
SHEIKH ISHRAR SK. AHMED

Mr. S. G. Kukday, Adv. Advocate for the Petitioner(s)

Versus

The General Manager, Ord. Factory Respondent
Bhandara and others.

Mr. Ramesh Darda Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C. SRIVASTAVA, VICE-CHAIRMAN,

The Hon'ble Mr. P.S. CHAUDHURI, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the Judgement ?

4. Whether in needs to be circulated to other Benches of the Tribunal ?

Y

Y

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(2)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

CAMP AT NAGPUR

TRANSFER APPLICATION NO. 360/87

S.RAGHVENDRA S. NARSINGDAS

2. SHEIKH ISHRAR SK.AHMED

.... Applicants

V

The General Manager,
Ordnance Factory, Bhandara,

The Director General,
Ordnance Factory, Calcutta.

.... Respondents

CORAM : HON'BLE SHRI U.C.SRIVASTAVA, Vice-Chairman.

HON'BLE SHRI P.S.CHAUDHURI, MEMBER (A)

Appearance

Mr. S.G.Kukday, Adv
for the applicants

Mr. Ramesh Darda, Adv
for the respondents.

ORAL JUDGMENT

DATED : 11.7.1991

(PER : U.C.SRIVASTAVA, Vice-Chairman)

The applicants had filed a writ petition before the Nagpur Bench of the Bombay High Court for quashing the order dated 1.2.1985 imposing a minor penalty on the applicants after inquiry. This writ petition is transferred by law to the Tribunal for decision. The penalty imposed was that of withholding of annual increment for one year without cumulative effect. The Applicant filed an appeal which was dismissed during the pendency

of this case. It appears that the applicants were active members of the Union which ^{was} functioning in the Ordnance Factory. Works Committee election was held on 25.8.1984 in the Ordnance Factory and the applicants' Union contested the election in which they succeeded. For the election the Union had applied for grant of permission to hold a gate meeting on 21.8.1984 and no reply was received permitting or refusing the permission. They took it for granted that permission was granted whereas, in fact, permission was not granted.

2. In the reply of the respondents it has been stated that on the earlier occasions when Unions were not granted permission to hold meetings, refusal of their request was conveyed to them and accordingly this time also the applicants were told about this refusal, hence the applicants could not have held the meeting. They have further stated that it had been personally communicated by the Deputy General Manager that permission had not been granted. Despite this, the meeting was held and hence the applicants were placed under suspension, charges were framed against them and a minor penalty of withholding annual increment for one year with cumulative effect was given after inquiry.

3. The learned advocate for the applicants contended that the applicants were not paid their full salary for the suspension period.

4. Obviously there is nothing wrong with this action of the respondents as during the suspension period the applicants

(A)

were not entitled for full salary and more so when the disciplinary proceedings ended with a minor penalty. As the punishment order was issued on 1.2.1985 and the suspension order was passed on 23.8.1984 there is no delay in conducting the enquiry.

5. There is thus no merit in the application and it is accordingly dismissed with no order as to costs.



(P.S.CHAUDHURI)
MEMBER (A)



(U.C.SRIVASTAVA)
VICE-CHAIRMAN