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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A. NO: 738/88

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T.A. NO: ---

DATE OF DECISION 19-1-1993

Kartick Chandra Das Petitioner

Mr. S. B. Shende Advocate for the Petitioners

Versus

The GM, Ordnance Factory, Chanda Respondent

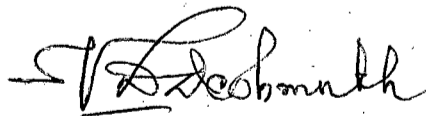
Mr. R. Darda Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. M. Y. Priolkar, Member(A)

The Hon'ble Mr. V. D. Deshmukh, Member(J)

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 it needs to be circulated to other Benches of the Tribunal ?
- } *Wd*



(V. D. DESHMUKH)
M(J)

MD

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.738/88

Kartick Chandra Das,
C/o.A.C.Mandal,
At. Village Lonara,
Ghodpeth P.O.
Dist.Chandrapur,
Maharashtra.

.. Applicant

-versus-

The General Manager,
Ordnance Factory,
Chanda,
Maharashtra.

.. Respondent

Coram: Hon'ble Shri M.Y.Priolkar,
Member(A)

Hon'ble Shri V.D.Deshmukh,
Member(J)

Appearances:

1. Mr.S.B.Shende
Advocate for the
Applicant.
2. Mr.R.Darda
Counsel for the
Respondent.

ORAL JUDGMENT: Date:19-1-1993
(Per V.D.Deshmukh, Member(J))

The applicant has filed this application praying that the order passed by the respondents removing the applicant from service be set a side. The respondents have filed their reply and we heard the learned counsels for both the sides.

2. The applicant was at the relevant time working as Miller 'A' Grade in Ordnance Factory at Chanda. Two disciplinary enquiries were held against the applicant arising out of different incidents of misconduct. The applicant remained absent during both the enquiries. Ultimately the composite order after receiving the enquiry reports regarding both the enquiries respectively dt. 29-2-84 and 23-10-1984 was passed. The General Manager passed the

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impugned order dt. 23-01-1985. The applicant thereafter preferred a common appeal which was rejected by the order dt. 2-7-1987. The applicant filed the present application challenging these two orders.

3. It was urged on behalf of the applicant that the action was vitiated as two enquiries- on the same incident were initiated against the applicant. However, it is obvious from the facts that in one case the first enquiry which is stated to be conducted by the Court of Enquiry was in the nature of preliminary enquiry or the enquiry to investigate and after it was completed the regular disciplinary enquiry was initiated. The second enquiry had arisen out of a different and subsequent incident of alleged misconduct. We do not, therefore, find that there is any substance in this ground.


4. It was also urged that the reports passed by the Inquiry Officer were ~~ex-parte~~ and therefore the order passed by the disciplinary authority was liable to be quashed. However, no sufficient ground has been shown for the absence of the applicant while both the enquiries were conducted against him. The learned advocate for the applicant could not show whether this point was urged before the appellate authority. It was sought to be urged that the applicant could not be blamed for not completing the work assigned to him as the instruments supplied to him were not adequate. However, the impugned order shows

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that the charges were different. The charges were that the applicant refused to work on three occasions, that when he was asked to complete the remaining operations on the job on 14-2-84 by his supervisor he refused, and also refused to see his Divisional Officer. The applicant, therefore, fails to make out any substantial ground against the impugned orders and the application is liable to be dismissed.

5. The application is dismissed with no order as to costs.



(V.D.DESHMUKH)
Member(J)



(M.Y.PRIOLKAR)
Member(A)

MD

Per Tribunal

As per direction of the Hon'ble Vice Chairman dated 22.1.93, the matter is taken out from Sine-die list. Fixed for final hearing on _____ Issue notices to the parties as per order dated _____.

Deputy Registrar