

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~
NEW BOMBAY BENCH

~~Q.A.N.~~
T.A. No. 319/86

198

DATE OF DECISION 6.6.1988

Shri I.M.Khan Petitioner

Shri V.B.Rairkar Advocate for the Petitioner(s)

Versus

General Manager, Ammunition Factory, Respondent
Kirkee, Pune.

Shri J.D.Desai (for Mr.M.I.Sethna) Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. J.G.Rajadhyaksha, Member (A)

The Hon'ble Mr. M.B.Mujumdar, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Ye*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

Tr.A.No. 319/86

Shri I.M.Khan
228/1, Ghorpade Peth
Pune-2.

Applicant

VS.

The General Manager,
Ammunition Factory,
Kirkee, Pune.

Respondent

CORAM : Hon'ble Member (A) Shri J.G.Rajadhyaksha
Hon'ble Member (J) Shri M.B.Mujumdar

Appearance :

Mr.V.B.Rairkar
Advocate
for the Applicant

Mr.J.D.Desai
(for Mr.M.I.Sethna)
Advocate
for the Respondent

ORAL JUDGMENT

Dated: 6.6.1988

(PER: M.B.Mujumdar, Member (J))

Regular Civil Suit No. 400/80 filed by the original applicant Shri I.M.Khan in the court of the Civil Judge, Sr.Division, Pune is transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

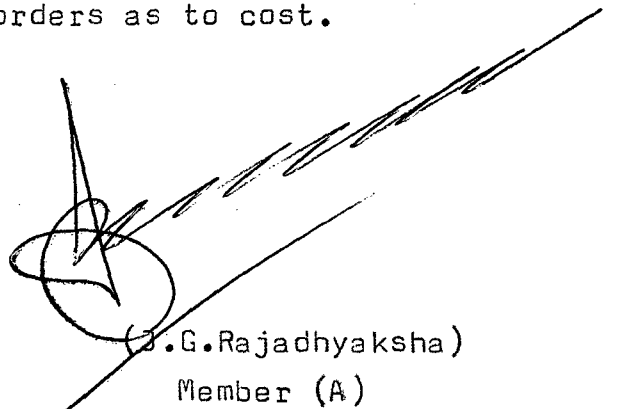
2. Shri I.M.Khan died in June, 1984 and his widow and sons were brought on record as his legal representatives when the suit was pending in the Civil Court.

3. Shri Khan was appointed as Checker in the Ammunition Factory, Kirkee in 1962. At the relevant time when he was working as Assistant Store Keeper in the Stores Section

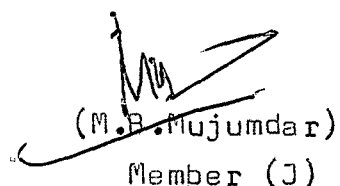
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5. We have heard Mr. Rairkar, learned advocate for the legal representatives of Shri Khan and Mr. J. D. Desai for Mr. M. I. Sethna, learned advocate for the respondents. We have gone through the evidence laid before the Enquiry Officer. The evidence shows that the finding of the Enquiry Officer was justified. Mr. Rairkar could not show any flaw in the procedure which would vitiate the finding of the Enquiry Officer or the order of penalty passed by the Disciplinary Authority. The only point that was urged by Mr. Rairkar before us was that the Enquiry Officer had asked suggestive questions to the witnesses. We do not find any force in this argument because in our view an Enquiry Officer is justified in asking any question to the witnesses to ascertain the truth because it is his duty to give his findings regarding the charge. As already pointed out, in our view the evidence laid before the Enquiry Officer was sufficient to hold that the charge was established.

6. We, therefore, find no merit whatsoever in the present application i.e. Regular Civil Suit No. 400/80 and hence dismiss it with no orders as to cost.



(J.G. Rajadhyaksha)
Member (A)



(M.B. Mujumdar)
Member (J)