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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 379/89

~~Transfer Application No:~~
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DATE OF DECISION 25.1.1994

Shri Ganga Prasad J.

Petitioner

Shri G.S.Walia

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri S.C.Dhawan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri N.K.Verma, Member (A)

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? *no*
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 ? *no*

(N.K.VERMA)
MEMBER (A)

[Signature]
(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

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OA.NO. 379/89

Shri Ganga Prasad J.

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri N.K.Verma

Appearance

Shri G.S.Walia
Advocate
for the Applicant

Shri S.C.Dhawan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 25.1.1994

(PER: M.S.Deshpande, Vice Chairman)

The applicant by this application challenges the finding of the enquiry that he was slack ⁱⁿ supervision and negligent ^{duties} in his / and the eventual punishment of reduction in rank from Chargeman Gr. 'A' to Chargeman Gr. 'B'. The charge against the applicant was that he failed to check the manufacturing and machining of CI/ MISC 52 guide pin P.O. No. 17206416 dated 17.3.1987 for 151 items inspite of standing instructions that component manufactured in his section has to be checked by him for correctness and finish, as desired in drawing.

The charge further read that inspite of this he failed to carry out the necessary checks and though he had reported that he ^{had} checked it, the articles ^{were} found defective on 27.1.1988.

The only witness examined was one Deolekar who stated that 5% check had been effected by the applicant and the ^{material} was passed for next operation. According to him,

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the chamfering of the pin was carried out before the grinding operation and during the stage inspection it was found that the chamfering on the pin was correct to drawing. The chamfering found less after grinding was due to reduction in diameter of the pin and actually this should have been thought of while preparing the lay out. More chamfering should have been provided in the first operation. The applicant was examined in support of his defence that he has carried out the random check of 5% pins and had found them correct as per drawing.

2. The Enquiry Officer held that both the applicant and witness Deolekar were responsible for the defects noticed. The applicant had appealed raising several grounds, but the appellate authority by its order dated 17.2.1989 confirmed the finding of the disciplinary authority who had concurred with the enquiry officer's report by holding that the applicant had not been able to support his version. We were taken through the entire report. We find that neither statement of Deolekar nor the defence statement of the applicant showed that the applicant had not applied the 5% check which was expected of him. In fact, Deolekar's version shows that the check had been effected by the applicant. Since the only material question was about the 5% check which was applied and there was no material to support that this had not been done, it was obvious that the finding recorded by the Enquiry Officer as confirmed by the appellate authority was based on no evidence. The entire approach of the departmental authorities shows that they had not applied their mind to the material aspects of the case.

3. In the circumstances, we find that the finding and the punishment imposed on the applicant should be quashed. We, therefore, quash the finding of guilty and the punishment imposed on him and direct the respondents to grant all consequential benefits in respect of promotion, seniority, back wages which would be the consequences of setting aside the impugned punishment. The direction shall be implemented within three months from the receipt of a copy of this order. No order as to costs.

(N.K.VERMA)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.