

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this the 5th day of June, 2003

Coram: Hon'ble Mr. Justice B.N. Singh Neelam - Vice Chairman
Hon'ble Mr. V. Srikantan - Member (A)

O.A. 473 of 2000

A.C. Deogadkar,
Ex-Storekeeper,
Ammunition Factory, Khadki,
Pune.

R/o 156, Patil Chawl,
Bopodi, Khadki,
Pune.

(By Advocate Shri R.C. Ravalani) - For the Applicant

Versus

1. Union of India,
through the Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. The Chairman,
Ordnance Factories Board,
10-A, Shaheed Khudiram Bose Road,
Calcutta.

3. The General Manager,
Ammunition Factory,
Khadki, Pune.
(Shri R.R. Shetty)

- For the Respondents

ORAL ORDER

By Hon'ble Mr. Justice B.N. Singh Neelam - Vice Chairman

The sole Applicant of this OA Shri A.C. Deogadkar has challenged the order of removal from service after conducting the disciplinary proceedings.

2. On behalf of the Applicant we have been taken to the articles of charges which are placed at page 23 of the OA and in this regard enquiry was held and the enquiry report was submitted on 18.4.1999. In the background of the enquiry report and on the ground mentioned in the order passed by the Disciplinary Authority dated 30.8.1999 (Annexure-A-1) the Disciplinary Authority imposed the penalty of removal from service of the

Applicant. At the relevant time the Applicant is said to have been Storekeeper in the Ordnance Factory Hospital when certain irregularities had been committed by causing loss to the Respondents to the tune of Rs.78,624.10p. It further transpires that against the order of the disciplinary authority one mercy appeal/memo of appeal was preferred by the Applicant which was disposed of in the hands of the Appellate Authority on 22.2.2000 (Annexure-A-2) affirming the order passed by the disciplinary authority. It is thereafter that one review/revision application was preferred by the applicant addressed to the Chairman, Ordnance Factory Board, Calcutta dated 8.3.2000 (Annexure-A-7) and as per the Applicant the same has not yet been disposed of in the hands of the Reveiw/Revisional Authority and is still kept pending.

3. In this OA the applicant particularly referred to Para 4 of this OA submitting that in the course of holding enquiry the Enquiry Officer has not followed due procedure of law and in that way, it can very well be said that the departmental proceeding concluded because of not following the procedure, is liable to be set aside and also because the appellate authority mechanically affirmed the order passed by the disciplinary authority. Hence this OA.

4. On behalf of the Respondents it is submitted that prior to the passing of the order passed by the disciplinary authority,


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representation was filed by the applicant dated 30.7.1999 in which no where, all the grounds taken in Para 4 of the OA has been mentioned specifically with regard to giving good bye to the procedure adopted by the Enquiry Officer. It is also submitted that in the memo of appeal so filed, no such ground was also taken by the applicant's side. Further in all fairness it is admitted that as regards one application so filed viz. Review/Revision Petition addressed to the Chairman, Ordnance Factory Board Calcutta is pending which has not yet been disposed of. Since the said application was addressed to the Chairman, Ordnance Factory Board, Calcutta who was not the review/revisional authority, no action could be taken. The applicant thereafter made a review/revision petition to the President of India which is dated 23.12.2000. The respondents have sent several reminders for pursuing the said review/revision application to the Secretary, Ordnance Factory Board, Calcutta for the disposal of the same but the same has not yet been disposed of.

4. As regard the review/revision petition dated 23.12.2000 filed on behalf of the applicant, addressed to the President of India, the learned counsel for the applicant has submitted that he has got no knowledge of the same. Be that as it may. Under the circumstances, since one Review/Revision Petition dated 23.12.2000, as submitted on behalf of the respondents is still pending which has not yet been decided, that has first to be decided in the hands of Review/Revisional authority prior to the matter being taken up by this Bench for considering the relief so sought for, which has not been done in the instant case.

5. In the light of what has been discussed above, this OA stands disposed of with a direction to the concerned respondent to pursue the matter so filed for which the applicant had opted to go in review/revision and the same be decided at an early date preferably within three months from the date of receipt of a copy of this order by passing a reasoned speaking order by the Review/Revisional authority. Taking this view, this OA stands accordingly disposed of.

6. Parties shall bear their own costs.


(V.Srikantan)
Member (A)


(B.N.Singh Neelam)
Vice Chairman

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