

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH.



R.P.No.628/94  
in  
O.A.No.194/91.

Shri Amarjit Singh Gujral

... Review  
Petitioner.

V/s.

Union of India, through the  
Secretary,  
Department of Defence Production,  
Ministry of Defence,  
Government of India,  
New Delhi.

Chairman,  
Ordnance Factory Board,  
10-A, Auckland Road,  
Calcutta.

General Manager,  
Machine Tool Proto Type Factory  
Ambernath,  
Thane.

... Respondents.

CORAM: Hon'ble Shri Justice M.S.Deshpande, Vice Chairman,  
Hon'ble Shri R.Rangarajan, Member(A).

Appearance:

Shri V.M.Bendre, Counsel for the applicant.

Shri R.K.Shetty, Counsel for the respondents.

JUDGEMENT

Dated: 19/7/94.

(Per: Hon'ble Shri R.Rangarajan, M(A))

The applicant in this R.P. was removed from service w.e.f. 10-3-80 for irregular attendance and unauthorised absence from duty and the same was upheld by the appellate authority by the order dt. 5-7-80. Assailing these orders, he filed O.A.No.194/91 which was dismissed by the order dt. 8-3-94. Against this dismissal order of the O.A., he has filed this Review Petition.

2. The first contention of the applicant is that for similar offence, staff were given lesser punishment such as stoppage of increment with cumulative effect etc. The applicant was singled out by removing him from service for unauthorised absence, which is severe. At the time of pleading at the bar, no such contention was raised.

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(23)

New contentions which were not raised during the pleading at the bar or in the O.A. cannot be entertained in the Review Petition. Further, each case has to be dealt with on its merit and there cannot be set orders for punishment. Recently the Supreme Court held that the Tribunal is not competent to go into the quantum of punishment. Hence this contention has no merit.

3. The second contention is that the letter of appointment is dt.30-12-63 and not 30-12-64 as recorded in the judgement and this is apparently an error. The letter of appointment as Trade Apprentice annexed as Annexure III to this R.P clearly shows that it is dt.30-12-64. We have taken the same date while stating and analysing the contentions in our judgement. Nowhere it is stated that he has joined on 13-1-64. Hence there is no typographic error in the said order. As the delegation of powers for appointment upto the level of Asstt.Foreman was delegated to the General Manager of the Ordnance Factories on 14-2-64, the G.M. of Ordnance Factories is competent to award major penalties upto the level of Assistant Foreman from that date. As the applicant was only a Senior Planner at the time of award of punishment, we see no violation of any constitutional provision. Hence this contention also fails.

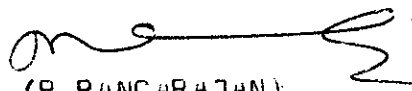
4. The third contention is that the proceedings of 16-1-1980 was intentionally removed by the Enquiry Officer. This contention has been gone into detailed fashion vide para-16 of the judgment dt.8-3-1994. Hence there is no need to further examine this contention. Even the plea that enquiry proceedings dt.16-1-1980 was not supplied to him is only to create infirmity in the proceedings and cannot be sustained. Hence the third contention also has no merit.

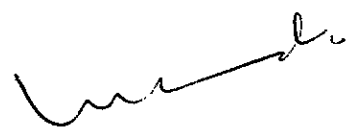
(34)

5. By other contentions, the applicant is urging us to go through the various submissions mentioned in the various paragraphs of the O.A. and to review the order dt.8-3-1994 on that basis. The order dt.8-3-1994 is on the basis of submissions in the O.A. and the pleadings at the bar. Hence, there is no need to further scrutinise the submissions. This contention also has no merit and is fit only to be rejected.

6. Para-14 of the judgment dt.8-3-1984 deals fully regarding the effect of his absence on the functioning of the unit in which he worked. His request absence had created backlong in duties. Hence, there is nothing to doubt that his irregular attendance had resulted in the setback in the functioning of the section in which he worked.

In the result, we find the R.P. has no merits for fresh consideration and fit only to be dismissed. Accordingly, we do so. No costs.

  
(R. RANGARAJAN)  
MEMBER (A).

  
(M.S. DESHPANDE)  
VICE CHAIRMAN.