

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No. 698/93

Transfer Application No.

Date of Decision 15.10.1997

W.V. Sipte

Petitioner/s

Advocate for
the Petitioner

Versus

Union of India & Ors.

Respondent/s

Shri M.G. Bhangde,


Advocate for
the Respondent

Coram :

HON'BLE SHRI. B.S. Hegde, Member(J),

HON'BLE SHRI. P.P. Srivastava, Member(A).

- (1) To be referred to the Reporter or not ? ✓
- (2) Whether it needs to be circulated to other
Benches of the Tribunal ? ✓


(B.S. HEGDE)
MEMBER(J).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI,
CAMP AT NAGPUR.

ORIGINAL APPLICATION NO.698/1993.

Wednesday, this the 15th day of October, 1997.

Coram: Hon'ble Shri B.S.Hegde, Member(J),
Hon'ble Shri P.P.Srivastava, Member(A).

W.V.Bipte,
Suraksha Nagar,
Suryamandir Ward,
Bhadrawati Teh.
Bhadrawati, Distt. Chandrapur. Applicant.
(None for the applicant)

V/s.

1. The Union of India,
through the Secretary,
Ministry of Defence (Production),
South Block,
New Delhi.
2. The Chairman/Director General
of Ordnance Factories,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta-700 001.
3. The General Manager, O.F.Chanda,
Tah.Bhadrawati Distt.Chandrapur(M.S.),
P.O.Chandrapur Ordnance Factory. Respondents.

(By Advocate Shri M.G.Bhangde)

O R D E R

(Per Shri B.S.Hegde, Member(J))

None for the applicant. Shri M.G.Bhangde,
for the Respondents.

2. The Tribunal vide its order dt. 22.1.1997 on
basis of the submissions made by the parties made the

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following observations :

"After hearing the learned counsel for the applicant, he has pointed out two lacunas one is the Appellate Order by an officer who is lower in rank than the Competent Authority and it is stated "By order and in the name of Appellate Authority".

We hereby direct the respondents to furnish the original file in which the Appellate Authority has taken a decision in the matter while passing the appellate order.

Secondly, the respondents are also directed to furnish the enquiry proceedings and ~~them~~ to show the disposal of the letter in which the applicant has sought certain documents during the enquiry dt. 6.3.1990, for our perusal."

3.

Pursuant to the direction of the Tribunal, the respondents counsel Shri M.G.Bhangde, furnished the original file in which the Appellate Authority had passed the order. On a perusal of the order we are satisfied that the appellate order is passed by Member(A&E) on 9.10.1992, though the order has been communicated by the Joint Director. Therefore, in our view, there is no lacuna in passing the appellate order, the same is in order. Regarding the second lacuna pointed out by the applicant, the Works Manager has filed an affidavit dt. 5.8.97 stating on verification of the records that no such representation was received by the Factory, the seal endorsed on the letter with Ordnance Factory, Chanda stamp seems to be a fabricated one i.e. the respondent factory never puts that particular seal for receipt of any letter. It is further stated that the individual did not raise this issue throughout the Court of Inquiry at all. He has neither mentioned about the same in his representation on the enquiry report nor in his appeal

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filed to the Appellate Authority, nor he mentioned about it at the time of filing the O.A. (O.A. No.698/93) and has mentioned the same at the time of filing the Rejoinder, therefore it cannot be taken into account.

4. In the facts and circumstances of the case the query raised by the applicant is not based on any documentary proof. Therefore, we are satisfied with the explanation offered by the respondents. In the circumstances, both the query raised by the applicant do not survive. The O.A. is therefore dismissed after hearing the counsel for the respondents. No order as to costs.


(P. P. SHIVASTAVA)
MEMBER (A)


(B. S. HEIDE)
MEMBER (J).

B.