

(X)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 354/94

Transfer Application No: ---

22-7-94
DATE OF DECISION: _____

O.P.Verma

Petitioner

Mr. S. P. Saxena

Advocate for the Petitioners

Versus

U.O.I. & Ors.

Respondent

Mr.R.K.Shetty

Advocate for the Respondent(:)

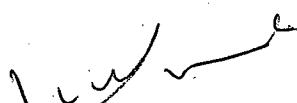
CORAM :

The Hon'ble Shri Justice M.S.Deshpande, V.C.

The Hon'ble Shri V.Ramakrishnan, Member(A)

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?

M


(M.S.DESHPANDE)
VC

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.354/94

O.P.Verma

.. Applicant

-versus-

Union of India & Ors.

.. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman

Hon'ble Shri V.Ramakrishnan,
Member(A)

Appearances:

1. Mr.S.P.Saxena
Counsel for the
Applicant.
2. Mr.R.K.Shetty
Counsel for the
Respondents.

ORAL JUDGMENT:
¶Per M.S.Deshpande, V.C.¶

Date: 22-7-94

Heard Mr.S.P.Saxena for the applicant and Mr.R.K.Shetty counsel for the respondents. The only question is whether by virtue of order dt. 12-1-93 by which the penalty was quashed with the obsevation that the disciplinary authority may proceed afresh with the proceedings of enquiry from the stage of supplying the chargesheet to the aforesaid employees removing the proedural lacuna , it was necessary in view of the promotion obtained by the applicant that the officer who would have been the competent authority in respect of the promotional cadre should have given a fresh chargesheet. Mr.S.P. Saxena for the applicant states that when the chargesheet was initially given to the three employees the General Manager was the competent authority. His submission is that

(a)

by virtue of the promotion as Chargeman Gr.I the competent authority would be the Deputy Director General of Ordnance Factories at Calcutta.

2. Since it is the same enquiry which is being continued afresh after the quashing of the penalty of M.M. Parande the enquiry would not be an altogether fresh enquiry which requires initiation by the Deputy Director General. In the circumstances we see no merit in the contention application, it is dismissed.



(V.RAMAKRISHNAN)
Member (A)



(M.S.DESHPANDE)
Vice-Chairman

M.