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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 579/95.

Dt. of Decision : 7-1-98.

S.Gurucharan Singh

.. Applicant.

Vs

1. The Chairman and Director General
Ordnance factories Board,
10-A, Auckland Road,
Calcutta-700 001.

2. The General Manager,
Ordnance Factory Project,
Edumailaram,
Dist : Medak.

.. Respondents.

Counsel for the applicant

: Mr.P.Naveen Rao

Counsel for the respondents

: Mr.N.R.Devaraj,Sr.CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.P.Naveen Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents

2. On 27-04-93 while the applicant was functioning ^{was} as Crane Driver (Mobile), served with a memorandum of charges alleging the attempted theft of Government materials, ~~and~~ failure committing to maintain absolute integrity and conduct unbecoming of a Govt.

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servant. The applicant submitted his explanation dated 3-5-93 (Annexure-II). His explanation was not found convincing. Hence the disciplinary authority ordered for a detailed enquiry. A detailed enquiry was conducted into the said charges and the enquiry officer vide his report dated Nil recorded finding that the charges levelled against the applicant were proved.

report of the enquiry officer to the applicant. The applicant submitted his representation dated 6-7-94. After considering the findings recorded by the enquiry officer and also the explanation of the applicant, the disciplinary authority vide his proceedings No.02/00058/Estt. dated 25-7-94 (Annexure-V Page-20 to the OA) imposed the penalty of dismissal of the applicant from service.

4. Against the said order of punishment, the applicant submitted an appeal dated 23-8-94 (Annexure-VI) to the Chairman and Director General of Ordnance Factories. It is submitted that the said appeal is still to be disposed of.

5. The learned counsel for the applicant during the course of arguments submitted that having regard to the gravity of the charges the punishment of dismissal imposed on him is too harsh and that in similar instances certain officials were dealt with a minor penalty. It is for the appellate authority to consider the quantum of punishment. Since the matter is pending consideration before the appellate authority, we feel it proper to direct the appellate authority to consider the quantum of punishment imposed on the applicant. However, we feel the punishment granted to the applicant appears to be ^{es}cessive having regard to the gravity of the offence. As the applicant is reported to have taken away the materials of meagre value. The applicant also submits that in similar cases only minor

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penalty was imposed. Any way the Bench is not taking note of it.

6. We feel that reconsideration of quantum of punishment may be required in this case. We leave it to the appellate authority to consider his request for reduction in the penalty already awarded to him by the disciplinary authority in accordance with the rules and the date of receipt of a copy of this order.

7. With the above observations, the OA is disposed of. No costs.

B. S. D.
7.1.98
MEMBER (JUDL.)

M. S.
MEMBER (ADMN.)

Dated : The 7th Jan. 1998.
(Dictated in the Open Court)

D. R.
D. R.

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Copy to:

1. The Chairman and Director General of Ordnance Factories
Ordnance Factories Board, 10-A, Auckland Road,
Calcutta.
2. The General Manager, Ordnance Factory Project,
Eddumailaram, Medak District.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to D. R(A), CAT, Hyderabad.
6. One copy to HBSJP, M (J), CAT, Hyderabad.
7. One duplicate copy.

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28/1/98
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 7/1/98

ORDER/JUDGMENT

M.H./R.A/C.A.NO.

in
C.A.NO. 579/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

