

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.1641 of 1995.

Between

Dated: 4.1.1996.

Prabash Chandra Mridha

Applicant

And

1. Union of India rep by its Secretary, Ministry of Defence, Production, Govt. of India, South Block, New Delhi.
2. The Chairman/Director General of Ordnance Factory Board, 10A, Auckland road, Calcutta.
3. Deputy Director General Ordnance Factory, 10 A, Auckland road, Calcutta.
4. The General Manager, Ordnance Factory, Yeddu-mailaram, Medak Dt.
5. The DEPUTY CHIEF of Ordnance Factory, Additional General Manager & Enquiry Officer, Ordnance Factory, Yeddu-mailaram, Medak, A.P.

O.A.NO.1641 of 1

... Respondents

... weba

Counsel for the Applicant : Sri. K. Lakshminarasimha

Counsel for the Respondents : A.R. : Sri.

Union of India rep by its Secretary, Production, Govt. of India, South Block

CORAM:

The Chairman/Director General of Ordnance Factory Board, 10A, Auckland road, Calcutta, Hon'ble Mr. Justice V. Neeladri Rao, Vice Chairman

Deputy Hon'ble Mr. R. Rangarajan, Administrative Member, Calcutta.

6. The General Manager, Ordnance Factory, Yeddu-mailaram,

7. The DEPUTY CHIEF of Ordnance Factory, Additional General Manager & Enquiry Officer, Ordnance Factory, Yeddu-mailaram, Medak, A.P.

Counsel for the Applicant : Sri. P.

Counsel for the Respondents : A.R. : Sri.

Union of India rep by its Secretary, Production, Govt. of India, South Block

8. The Chairman/Director General of Ordnance Factory Board, 10A, Auckland road, Calcutta, Hon'ble Mr. Justice V. Neeladri Rao, Vice Chairman

Contd:...2/-

CA 1641/95.

Dt. of Order: 4-1-96.

(Order passed by Hon'ble Shri R.Rangarajan, Member (A)).

The Charge memo No.02/00058/est dt.8-1-92 issued by Respondent No.4 i.e. the General Manager of Ordnance Factory, Yeddu-mailaram, Medak District is assailed in this C.A.

2. It was contended interalia that the General Manager is not competent to initiate disciplinary action against the applicant who / working as ~~Fireman-II~~ Assistant Foreman by the date of the charge memo (the applicant is now working as Chargeman Gr.I). Part-V, xi(a) of Schedule of CCS(CCA) Rules shows that Dy. Director General of Ordnance Factory is the appointing authority in regard to the Assistant Foreman and also Chargeman Gr.I, and he is competent authority to impose all the penalties referred to in Rule-~~xi~~ of CCS (CCA) Rules. It does not lay down that the General Manager is competent to impose even minor penalties to Assistant Foreman or Chargeman Gr.I. As such the contention of the applicant is that the General Manager was not competent to initiate the disciplinary proceedings against the applicant when he was working as Assistant Foreman ~~as he accepted~~ ascertained. It may be noted that the General Manager is not competent to initiate Disciplinary Proceedings even against Chargeman Gr.I, the post in which the applicant is now working. As such the impugned charge memo has to be quashed. But this order does not deprive the competent authority

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To

1. The Secretary, Ministry of Defence,  
Union of India, Production, Govt. of India,  
South Block, New Delhi.
2. The Chairman/Director General of Ordnance Factory Bagan,  
10A Auckland Road, Calcutta.
3. The Deputy Director General Ordnance Factory,  
10 A Auckland Road, Calcutta.
4. The General Manager, Ordnance Factory,  
Yeddu-mailaram, Medak Dist.
5. One copy to Mr. P. Sahoo, Additional General Manager  
and Enquiry Officer, Ordnance Factory,  
Yeddu-mailaram, Medak A.P.
6. One copy to Mr K. Lakshminarasimha, Advocate, 16-11-20/12  
Saleemnagar, Hyderabad.
7. One copy to Mr.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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1. The Secretary, Ministry of Defence,  
Union of India, Production, Govt. of India,  
South Block, New Delhi.

2. Deputy Director General Ordnance Factory,  
10A Auckland Road, Calcutta.

3. Deputy Director General Ordnance Factory,  
10A Auckland Road, Calcutta.

4. General Manager, Ordnance Factory,  
Yeddu-mailaram, Medak Dist.

5. Enquiry Officer, Ordnance Factory,  
Yeddu-mailaram, Medak Dist.

6. Advocate, Saleemnagar, Hyderabad.

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and Enquiry Officer, Ordnance Factory,  
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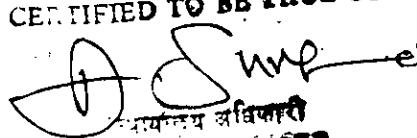
if so chooses to initiate Disciplinary Action against the applicant on the same allegations on the basis on which the impugned charge memo issued.

3. The learned counsel for the applicant has also urged that as the alleged bribery is the basis for the impugned charge memo, the department has to act in accordance with the item-(ii) of the Government of India instructions under Rule-14 (vide letter of DGP&T No.6/67/64-Disc., dt.13-6-67). We are not adverting to the same as the charge memo is quashed on the ground that the Respondent-4 is not competent to issue the same.

4. In the result, the chargememo No.02/00058/Est dt.8-1-92 is quashed. But this does not debar the competent authority, if so chooses, to initiate disciplinary action against the applicant on the basis of the same allegations, on which the above charge memo is issued.

5. The C.A. is ordered accordingly at the admission stage itself. No order as to costs.//

प्रमाणित प्रति  
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प्रायलय अधिकारी  
COURT OFFICER  
के २ इनामिन अधिकारी  
Court & Judicial Services  
प्रायलय अधिकारी  
PROSECUTOR PENCH

24/11/61

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Heard Mr.N.R.Devaraj, learned counsel for the applicants in the RA and Mr.K.Laxmi Narasimha, learned counsel for the respondent in the RA.

2. The RA is filed by the respondents in this CA for reviewing the judgement in OA dated 4-1-96.

3. The chargememo dated 8-1-92 issued by R-4 in the RA was set aside as R-4 was not competent to initiate the disciplinary proceedings against the applicant who was working as an Assistant Foreman by the date the chargememo was issued in accordance with the powers conferred to him under the schedule of CCS(CCA) Rules. The learned counsel for the respondents now submit that in para-7 of the RA that the disciplinary authority viz., DDGOF/OFB, Calcutta had delegated the powers to R-4 to the stage of issuing memorandum of charges and further follow-up action till conducting the Court of Enquiry. There is no statutory rule to show to the effect that the said disciplinary authority viz., DDGOF/OFB has under the statutory rule delegated that power to R-4. In the absence of any statutory rule to that effect we do not find any error in the judgement. Hence, The RA is liable to be dismissed. Accordingly it is dismissed. No costs.

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न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायालय  
HYDERABAD BENCH

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1. The Secretary, Min. of Defence Production,  
Gt. of India, South Block, New Delhi.
2. The Chairman, Director General of Ordnance Factory Board,  
10-A, Auckland Road, Calcutta.
3. Dy. Director General, Ordnance Factory Board,  
10-A, Auckland Road, Calcutta.
4. The General Manager, Ordnance Factory,  
Yeddu-mailaram, Medak District.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Mr. K. Lakshminarasimha, Advocate, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

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