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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..  
D.A.No.1004/97.

Date of decision: 11-12-1998  
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Between:

R. Hari Shankar. .. Applicant.

And

1. The Ordnance Factory Board re-presented by the Director General of Ordnance Factories-Cum-Chairman, 10-A, Auckland Road, Calcutta 700-001.
2. The General Manager, Ordnance Factory Project, Eddumailaram, District Medak.

Respondents.

Counsel for the Applicant: Sri P.Naveen Rao.

Counsel for the Respondents: Sri V.Rajeswara Rao.

CORUM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

JUDGMENT.

(by Hon'ble Sri R.Rangarajan, Member (A))

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O.A.1004/97

JUDGMENT

Heard Sri B.Kishore Rao for Sri Navesna Rao  
 for the applicant and Sri V.Rajeswara Rao for the  
 respondents.

The Applicant was issued with a Charge-sheet  
 by Memorandum No.02/00058/Est. dated 10-4-1992  
 (Annexure A, Page 9 of the O.A.). The charge levelled  
 against him reads as follows:

"On 25.3.1992 during a casual round  
 at 14.45 hrs, Shri R.Harishankar,  
 Pharmacist was found missing from  
 his work spot, An enquiry revealed  
 that in the post lunch period, he  
 had gone to the Factory without taking  
 permission and returned only at 16.00Hrs."

The applicant submitted his representation  
 (Annexure "B" Page 11 of the O.A.) to the Disciplinary  
 Authority. The Disciplinary Authority passed the  
 impugned order, Annexure "C" Page 12 to the O.A. imposing  
<sup>for one year</sup>  
 the penalty of withholding one increment when next due  
 without cumulative effect. The applicant thereafter  
 filed his appeal dated 24.12.1992 Annexure D to Respondent  
 No.1. That was disposed of on 5-3-1997 rejecting the  
 appeal. However, the applicant approached this  
 Tribunal on 6.12.1996 as no order was passed in his  
<sup>Arrested time</sup>  
 appeal by filing O.A.992/93, That O.A. was disposed of  
 by an order dated 6.12.1996 directing the Appellate  
 Authority to dispose of his appeal within a period of

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three months. That direction was complied with by the 1st respondent confirming the punishment imposed by the Disciplinary Authority by issuing the impugned Order dated 5.3.1997, Annexure G to the O.A. Page 21.

This O.A., is filed for setting aside the impugned Order No.10041/A/VIG dated 5.3.1997 of the 1st respondent with all consequential benefits,

A reply has been filed in this O.A. The main contention of the respondents is that the applicant has ~~not~~ <sup>no</sup> business to leave the work spot on Union activity. He has to obtain the permission of the Superior in-charge of the <sup>before leaving his work place</sup> office, and he cannot inform the subordinate staff <sup>those</sup> and proceed on duties other than/assigned to him. The applicant should have waited till the <sup>duty</sup> ~~Doctor~~ <sup>Came</sup> <sup>ought to have</sup> ~~comes~~ back and/taken his permission. For maintaining the discipline, the above procedure is to be followed and as the applicant had acted without any responsibility, he has been punished. The <sup>the</sup> counsel for/respondents submits that the punishment imposed on the applicant is a minor penalty and that penalty should be allowed to stand.

We have heard both sides.

The applicant was away from duty for about an hour and 15 minutes. No doubt, the applicant cannot leave his place of work without obtaining proper permission. Even if one has to leave the place of work, a Register would normally be maintained in the Section for recording the absence, if an employee wants to go out either for some work or to attend nature's call etc. But nowhere it is stated in the reply that such a register was maintained. The applicant has stated in his appeal that he had informed one Sri Satyanarayana, Store-keeper in the presence of Dayanand, Peon when he left the place of work and that he had done so as the Doctor in-charge was not readily available at that time. The Respondent-Authorities have not considered that point by questioning either the Store-keeper or the Peon, Dayanand. They would be in better position to explain the details when the applicant left the work place.

Considering the above facts we are of the opinion that the applicant had committed some mistake and that mistake is not very grievous or that absence had resulted in serious consequences. The

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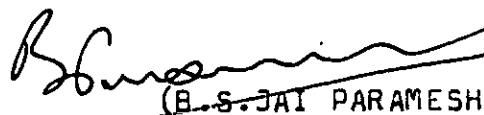
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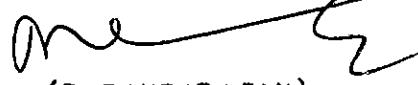
reply also does not indicate that an enquiry was made by examining Satyanarayana and others.

In view of what is stated above, we feel that the punishment awarded to the applicant is excessive and not commensurate with the gravity of the charge. Hence, we feel it is essential that the Respondent No.1 should reconsider the punishment awarded to the applicant so that it will be an appropriate punishment and not excessive. The respondent No.1 should reconsider his decision as to the quantum of punishment to be awarded to the applicant keeping our views as above in mind.

In view of the above discussion, the O.A., is disposed of with a direction to the Respondent No.1 to reconsider the punishment awarded to the applicant keeping in view the observations as made above. No costs.

  
11.12.98

(B.S.JAI PARAMESHWAR)  
Member (J)

  
(R.RANGARAJAN)  
Member (A)

Date: 11-12-1998.

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Dictated in open Court.

SSB.

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23/12/98

II COURT

copy to :-

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

D.D.R. (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

2) Spec

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESWAR :  
M(J)

DATED: 11/12/98

ORDER/JUDGMENT

MA/R.A./C.P.No.

in  
OA.NO. 1004 /98

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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