

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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D.A.No.1004/97.

Date of decision: 11-12-1998

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.1004/97JUDGMENT

Heard Sri B.Kishore Rao for Sri Naveena 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
the penalty of withholding ~~one~~ ^{for one year} increment ₂ 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 5-3-1987 rejecting the
appeal. However, the applicant approached this
Tribunal on 6.12.1996 as no order was passed in his
^{at that time} 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

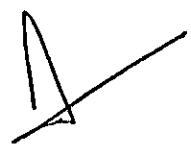

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three months. That direction was complied with by the 1st respondent confirming the punishment imposed by the Disciplinary Authority by issuing the impugned Order dated 5.3.1997, Annexure G to the O.A. Page 21.

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 U.A.

The main contention of the respondents is that the applicant has ~~not~~ ~~no~~ business to leave the work spot on Union activity. He has to obtain the permission of the Superior in-charge of the office ^{before leaving his work place} and he cannot inform the subordinate staff ^{those} and proceed on duties other than/assigned to him. The applicant should have waited till the ^{duty} Doctor ^{ought to have} ~~came~~ ^{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 counsel for ^{the} 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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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.



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

11.12.98



(R. RANGARAJAN)
Member (A)

Date: 11-12-1998.

Dictated in open Court.

SSS.

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copy to :-

1) D.R. (A)

2) Spec

23/12/98

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 21/12/98

~~ORDER/JUDGMENT~~

~~MA/R.A./C.P.NO.~~

in

DA.NO.

1004/97

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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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

22 DEC 1998

हैदराबाद ब्याचरीट
HYDERABAD BENCH