

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Applications No 1077 of 2004

Under this the 18th day of October, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Parmanand Pandit S/o Shri Pandit
Ticket No.323, Armt Mech, 506
Army Base Workshop, Jabalpur.

Applicant

(By Advocate – None)

V E R S U S

1. Union of India,
Through Secretary, Ministry of
Defence, New Delhi.
2. Commandant, 506 Army Base
Workshop, Ranjhi, Jabalpur

Respondents

(By Advocate – Shri P. Shankaran)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application, the applicant has sought the following main relief:-

"(2)to set aside the impugned order dated 2.12.2003 (Annexure-A/5) passed by the Appellate Authority and the order dated 31.5.2003 (Annexure A/3) passed by the Disciplinary Authority.

2. The brief facts of the case as stated by the applicant are that while working with the respondent No.2 the applicant was served with a charge sheet dated 20.9.2001 on the ground that the applicant has misbehaved with his superior officer. The charges leveled against the applicant have been proved by the enquiry officer. The disciplinary



authority vide order dated 31.5.2003 (Annexure-A-3) imposed a penalty of withholding of one increment for a period of one year without cumulative effect on the applicant. The applicant preferred an appeal Annexure-A-4 against the order of the disciplinary authority, which was dismissed by the appellate authority vide order dated 2.12.2003. Hence, this OA.

3. None is present on behalf of the applicant. Since, it is an old matter of the year 2004, we are disposing of this OA by invoking the provisions of Rule 15 of Central Administrative Tribunal (Procedures) Rules, 1987. Heard the learned counsel for the respondents and carefully perused the records.

4. It is argued on behalf of the respondents that the applicant while functioning as Armament Mechanic in 506 Army Base Workshop has misbehaved with his superior officer and absented from the place of work. The charge leveled against the applicant for misbehaving with his superior officer was proved by the enquiry officer and he was supplied the enquiry officer's report and thereafter the applicant has submitted his reply. Considering the enquiry report and reply of the applicant the disciplinary authority has passed the impugned order dated 31.5.2003 (Annexure-A-5) imposing a minor punishment, whereas the applicant has misbehaved with his very superior officer i.e. Colonel Administration.

5. After hearing the learned counsel for the respondents and on careful perusal of the records, we find that the charges leveled against the applicant were proved i.e. of misbehaving and misconduct with his superior officer. We have perused the inquiry report and the impugned order. We also find that the applicant was given due opportunity to submit his reply against the enquiry report and after considering the reply of the applicant and the enquiry report, the disciplinary authority has passed the impugned order dated 31.5.2003 withholding one



increment of the applicant with cumulative effect. The punishment imposed on the applicant is minor whereas the applicant has committed misbehave with his senior officer which is serious in nature. In this case we futher find that the respondents have given due opportunity of hearing to the applicant by asking him to submit his reply against the enquiry report. Hence, the principals of natural of justice have been followed by the respondents. It is well settled proposition of law that the Tribunal/courts ~~also~~ cannot reappraise the evidence and cannot go in to the quantum of punishment. We find that both the orders of the disciplinary authority and appellate authority are speaking and reasoned.

6. Considering all the facts and circumstances of the case, we do not find any irregularity or illegality committed by the respondents. Hence, this OA is dismissed. No costs.


(Madan Mohan)
 Judicial Member


M.P.Singh)
 Vice Chairman

कृतिकाल संख्या/मास..... नं.
 दिनांक..... तिथि.....
 (1) नाम, वार्ता विवरण वा उपर्युक्त विवरण, जिनका
 (2) वार्ता विवरण वा उपर्युक्त विवरण, जिनका
 (3) वार्ता विवरण वा उपर्युक्त विवरण, जिनका
 (4) वार्ता विवरण वा उपर्युक्त विवरण, जिनका
 सुनाना एवं अवश्यक कार्रवाही के
 उपर्युक्त

S. Akhatar (Dor 2028)
B. P. Ran. Karim (Dor 2023)

*交给
11/11/05*