

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JABALPUR BENCH**

**Original Application No. 560 of 2004**

Bilaspur, this the 10<sup>th</sup> day of May, 2005

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

Sukhdev Singh  
S/o Late R.A.Singh  
R/o 3149 Behind St.Joseph Convent School  
Ranjhi Basti  
Jabalpur.

Applicant

(By advocate None)

Versus

1. Union of India through  
The Secretary  
Ministry of Defence (Production)  
South Block  
New Delhi.
2. Director General (EME)  
Army Head Quarters DHQ  
P.O. New Delhi.
3. Commandant, 506  
Army Base Workshop  
Jabalpur (MP).

Respondents.

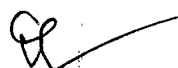
(By advocate Shri S.P.Singh)

**ORDER**

**By Madan Mohan, Judicial Member**

By filing this OA, the applicant has claimed the following reliefs:

- (i) To set aside the order dated 5.1.2004 passed by respondent No.3 and appellate order dated 15.5.2004 passed by respondent No.2.



- (ii) Direct the respondents to pay the monetary loss and all other consequential benefits to the applicant.

2. The brief facts of the case are that the applicant who was working in the office of respondent No.3 was served with a memorandum of charge on 14.8.98 under Rule 14 of the CCS (CCA) Rules, 1965 with certain allegations of committing an act of trespass and taking part in a gherao of the headquarters building. The applicant denied the charges. Therefore, an enquiry was ordered and on the basis of the enquiry report, the disciplinary authority passed punishment of compulsory retirement vide order dated 5<sup>th</sup> January 2004 (Annexure A1). The applicant submitted his appeal (Annexure A2) and the appellate authority vide order dated 15.5.2004 rejected the appeal (Annexure A3). Hence this OA is filed.

3. None is present for the applicant. Hence the provision of Rule 15 of the CAT (Procedure) Rules, 1987 is invoked.

4. Heard the learned counsel for the respondents who argued that similar matter was decided by this Tribunal in OA No.467/03 vide order dated 26<sup>th</sup> October, 2004 R.G.Gautam Vs.UOI & Ors and the facts of this OA are almost similar to the aforesaid case and further argued that the applicant was given due opportunity of hearing and the three charges were proved by the enquiry officer after conducting the departmental enquiry proceedings and he furnished the report to the disciplinary authority to consider it and the disciplinary authority passed the impugned order on 5.1.2004 thereby compulsorily retiring the applicant from service. The applicant preferred an appeal which was also rejected by the appellate authority vide order dated 15.5.04 (Annexure A3) and the impugned orders A1 and A3 are speaking and detailed orders. No irregularity is committed in conducting departmental proceedings by the respondents and the charges against the applicant are of serious nature. Hence he does not deserve any lenience in the punishment also and the OA is liable to be dismissed.



5. After hearing the learned counsel for the respondents and perusing the records, we find that due opportunity of hearing was given to the applicant by the enquiry officer and the applicant was also supplied with concerned and relevant documents. After conducting the departmental proceedings, 3 charges levelled against the applicant were proved. The applicant also preferred an appeal against the punishment order passed by the disciplinary authority. Hence he cannot say that an opportunity was not given to him. The Tribunal cannot reappraise the evidence. We have also perused the copy of the order dated 26<sup>th</sup> October 2004 in OA No.467/2004 R.G.Gautam Vs.UOI & Ors. The charges in the above OA are of similar type and that OA was dismissed having no merit. We have perused the impugned order passed by the disciplinary authority dated 5.1.2004 and the order dated 15.5.04 passed by the appellate authority. Both these orders are speaking, reasoned and detailed orders. The appellate authority has also considered the contentions contained in the appeal filed by the applicant. Looking into the gravity of the charges levelled against the applicant, the punishment awarded to the applicant does not shock our conscience.

6. After considering all the facts and circumstances of the case, we find that the OA has no merit. Hence the OA is dismissed. No costs.

(Madan Mohan)  
Judicial Member

(M.P.Singh)  
Vice Chairman

aa.

पूठांकन सं ओ/न्या.....जबलपुर, दि.....  
पसिलिनि आगे विता:-

- (1) सचिव, उच्च न्यायालय एवं अपील विभाग, जबलपुर
- (2) अध्यक्ष जी, सी.डी.ए. के काउंसल
- (3) प्रत्यक्षी ओ/विजली/एडु. के काउंसल
- (4) वंशपाल, सी.डी.ए., जबलपुर व्यावपीठ  
सूचना एवं आवश्यक कार्यवाही हेतु

Rakshi Ram Deo  
S.P. Singh  
R.D. MB

Issued on  
18.5.05  
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18/5/05  
उप सचिव