

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPCR
Original Application No 817 of 2004

Jabalpur, this the 18th day of May, 2005.

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

Ganga Singh Thakur,
Son of Shri Halke Singh Thakur,
Aged about 56 years,
Supr.(NT), Vehicle Factory,
Jabalpur, R/o 390, Bai Ka Bagicha,
Ghamapur, Jablpur(M.P.)

Applicant

(By Advocate – Shri R.N. Dwivedi)

V E R S U S

1. Union of India,
Through Secretary,
Ministry of Public Personal
Public Grievances and
Pension (Department of
Personal and Training) North
Block, New Delhi.

2. Director General,
Ordnance Factory Board,
10A, Shaheed K Bose Road,
Kolkata.

3. General Manager,
Vehicle Factory,
Jabalpur (M.P.)

Respondents

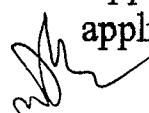
(By Advocate – Shri S.A. Dharmadhikari)

O R D E R (Oral)

By M.P. Singh, Vice Chairman

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

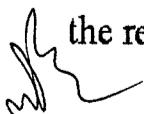
“(i) That the impugned order dated 1.7.2004 passed by the Appellate Authority, (Annexure P-1) rejecting the appeal of the applicant be quashed.



(ii) That the impugned order dated 28.2.1997(Annexure-A-2) imposing the penalty of reduction in pay by one stage of the grade of supervisor(NT) i.e. from Rs. 1640 P.M. to Rs. 1600/- p.m. in the time scale of pay of Rs. 1200-30-1560-EB-40-2040 with cumulative effect for a period of one year with effect from 1.3.1997 may kindly be quashed with consequential benefits."

2. The brief facts of the case are that the applicant was appointed as Assistant Store Keeper and he was subsequently promoted as Supervisor (NT) in the Vehicle Factory, Jabalpur and ~~also~~ he is still working as such. He was transferred from EMV Section to Store Section vide order dated 11.12.1996 and he was directed to take the charge of Godown 10-E06 and 5Ty-2 vide letter dated 14.12.1996 and 30.12.96. Despite specific allocation of duties he was reluctant to take over the charge of above said godown and submitted repeated representations on one pretext or the other. On 31.12.1996 the applicant is alleged to have created a ugly scene on the issue of taking over the charge of above said godown. He was placed under suspension w.e.f. 2.1.997 and a charge sheet issued to him under Rule 14 of CCS(CCA) Rules 1965 on 31.1.1997. Thereafter the applicant has submitted his statement of defence on 21.2.1997. The disciplinary authority based on the evidence available on record and on the basis of the reply of the applicant imposed the penalty of reduction in pay by one stage of the grade of Supervisor(NT) i.e. from Rs.1640 to 1600/- per month with cumulative effect for a period of one year. Thereafter the applicant had preferred an appeal after lapse of four years i.e. on 9.10.2003. The appellate authority has considered the facts and circumstances of the case ^{and} had rejected his appeal vide order dated 1.7.2004 being hopelessly time barred. Aggrieved by this order the applicant has filed this OA claiming the aforesaid reliefs.

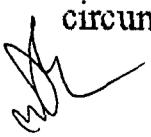
3. Heard the learned counsel for the parties and carefully perused the records.



4. During the course of the arguments, the learned counsel for the respondents has submitted that the applicant who was under suspension ~~had~~ had submitted his statement of defence on 21.2.97(Annexure-R/2) and accepted the articles of charges leveled against him and requested to reinstate him in service, the same was considered by the disciplinary authority. Based on the evidence available on record and the reply of the applicant to the memorandum, the charges leveled against him were established. After considering the material on records, the disciplinary authority has imposed the penalty of reduction in pay by one stage in the grade of Supervisor (NT) from the pay scale of Rs.1640 to 1600/- per month with cumulative effect.

5. On the other hand the learned counsel for the applicant has stated that the document produced by the respondents dated 21.2.97 (Annexure-R-2) whereby the charges leveled against the applicant alleged to have been accepted by the applicant is false and fabricated. The applicant never pleaded guilty and the aforesaid document Annexure-R-2 is not signed by the applicant. He has also stated that this fact has already been reiterated by him in para 6 of his rejoinder filed by him. According to the learned counsel for the applicant, the applicant has not accepted the charges leveled against him; the respondents have not held any enquiry and that they had imposed the penalty of reduction in pay scale without following the prescribed procedure and rules. Therefore, this penalty should be quashed.

6. We have given careful consideration to the rival contentions made by the parties and we find that the applicant was placed under suspension and the charge sheet was issued to him. Subsequently as per letter dated 21.2.1997 (Annexure-R-2) alleged to have been written by the applicant, the disciplinary authority has imposed the penalty of reduction in pay by one stage. In the facts and circumstances of the case, we quash and set aside the orders dated



28.2.1997 and 1.7.2004 and remit back the case to the respondents to verify the genuineness of the document Annexure R-2 enclosed by them ^{and} alleged to have been written by the applicant. If, this document is found genuine then they may proceed against the applicant to hold the enquiry in the matter as per rules and law.

7. With the above directions the OA stands disposed of. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

पूळांकन सं. ओ/न्या.....जबलपुर, दि.....
पतिलिखि अच्ये छिल:-

(1) सचिव, उच्च न्यायालय कार एसीरिएशन, जबलपुर
(2) आवेदक श्री/भीमरी/सु.....के काउसल
(3) प्रत्यार्थी श्री/श्रीनंदी/सु.....के काउसल
(4) वांयपाल, देशपाल, जाराधुर न्यायीठ

सूचना एवं आवश्यक कार्यालयी हेतु

2/2
R. D. Deeweli²
S. D. Karmarkar

अप. संग्रहालय

28/2/2004
24/3/04