

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 496 of 2003

Jabalpur, this the 19th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Binda Prasad, S/o Late Shri
Lekha Rajak, aged about 48 years,
Ex-Labour(Unskilled),
Vehicle Factory, Jabalpur,
R/o Village Temerbhita,
P.O. Temerbhita, Jabalpur(M.P.)

APPLICANT

(By Advocate - Shri Rajendra Shrivastava)

VERSUS

1. Union of India
through its Secretary,
Ministry of Defence
(Production), 10-A S.K. Bose
Road, Kolkata - 700 001.
2. Director General,
Ordnance Factories Board,
10-A S.K. Bose Road,
Kolkata.
3. General Manager,
Vehicle Factory,
Jabalpur(M.P.)

RESPONDENTS

(By Advocate - Shri P. Shankaran)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

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

"8.1 a writ in the nature of certiorari be issued,
quashing the impugned order dated 10.10.94
(Annexure A/4) and order dated 30.01.03(Annexure A/7)".

2. The brief facts of the case are that the applicant
was working as Labourer (Unskilled) in Vehicle Factory, Jabalpur.
A charge sheet was issued to him on 6.8.93 and
the charges levelled against him ^{were} (i) Gross Misconduct- Driving
Shaktiman Vehicle unauthorisedly and causing accident and
(ii) attending duty in drunken condition. An enquiry was held
by the respondents against the applicant. As the charges were
admitted by the applicant. The respondents have imposed penalty
of compulsory retirement on the applicant. An appeal ^{was} filed by

the applicant. Before the appeal could be decided in the mean¹ time the applicant had approached this Tribunal by filing OA No. 168/97. The Tribunal vide order its order dated 22.10.2002 had directed the respondents to decide the appeal. The appellate authority has considered the appeal and rejected the same.

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

4. In this case we find that the applicant has been imposed the penalty of compulsory retirement. The applicant has admitted the charges. No enquiry is required to be held in such cases under CCS(CCA) Rules. The respondents have imposed the penalty of compulsory retirement. They have followed the laid down procedure and have also followed the principles of natural justice. It is well settled proposition of law that the Tribunals/Courts cannot reappraise the evidence and also cannot go into the question of quantum of punishment. In this view of the matter, we do not find any ground to interfere with the orders of punishment passed by the disciplinary authority and appellate authority. The OA is bereft of merits and is accordingly dismissed. No costs.

(A.K. Bhatnagar)
Judicial Member

(M.P. Singh)
Vice Chairman

rkv.

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पृष्ठान्कन सं. ओ/नं. दि.
परिचिति ...

- (1) सचिव, उच्च न्यायालय, न्यायाधीश, न्यायाधीश
- (2) अध्यक्ष, न्यायाधीश, न्यायाधीश
- (3) न्यायाधीश, न्यायाधीश, न्यायाधीश
- (4) न्यायाधीश, न्यायाधीश, न्यायाधीश

Handwritten signature R. Shivastava
Handwritten signature P. Shankaran

Handwritten signature and date