

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 545 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

Tenrence Passanah S/o Shri
George Passanah, aged 57 years,
Store Supdt.(retired) COD,
Jabalpur.

APPLICANT

(By Advocate - None)

VERSUS

1. The Union of India, Through the
Director General of Ordnance
Services(OS-BC i)
New Delhi Army H.Q. 11001.
2. Director General of Ordnance
Services, Master General of
Ordnance Branch Army H.Q.
DHQPO, New Delhi 110011
3. The Commandant Central Ord. Depot,
Jabalpur.
4. Shri A.K. Jyoti, Brig, Officer-in-
Charge Through the Commandant
C.O.D Jabalpur.

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

ORDER (ORAL)

By M.P. Singh, Vice Chairman -

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

"(ii) set aside the order of punishment (Annexure A/8) inflicted upon him by Respondent No.4.

(iii) set aside the order dated 23.10.2001 rejecting the appeal of the applicant.

(iv) Direct the Respondent to treat the applicant back in service and to pay all consequential benefits".

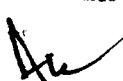
2. None is present on behalf of the applicant. Since it is an old matter of the year 2003, we are disposing of the same by invoking the provisions of Rule 15 of CAT(procedure) Rules, 1987.

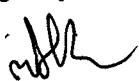
3. The brief facts of the case are that the applicant was working as Store Superintendent in COD, Jabalpur. While he was working as such, a charge sheet was issued to him under Rule 14 of ECS (CCA) Rules vide memo dated 24.8.1998 (Annexure-A-1) wherein it has been alleged that while the applicant was functioning as SSK in COD Jabalpur during the period Sept. 1995 has shown gross negligence in performance of duty resulting in pecuniary loss to the State of Rs. 85,210/-. An enquiry was conducted against the applicant. The charges were found proved by the enquiry officer. A copy of the report of the enquiry officer was furnished to the applicant to submit his representation. The applicant submitted his representation on 7.5.2001. The disciplinary authority after considering the enquiry report, relevant records and the applicant's representation, has imposed the penalty of compulsory retirement on the applicant vide order dated 23.10.2001. Thereafter, the applicant preferred an appeal on 6.12.2001, which has been rejected by the appellate authority vide order dated 23.8.2002 (Annexure-A-9). Hence this OA.

4. We have carefully perused the pleadings available on record and heard the learned counsel for the respondents.

5. We find that an enquiry has been held against the applicant for the charges levelled against him, as mentioned above. The charge has been proved by the enquiry officer. A copy of the report of the enquiry officer was furnished to the applicant. Thus, the principle of natural justice have been followed by the respondents. The enquiry has been held as per the rules and laid down procedure. No illegality or irregularity has been pointed out by the applicant calling for our interference. Thus, we do not find any ground to interfere with the action taken by the respondents. It is the settled legal position that this Tribunal 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 merit in this OA.

6. In the result, the OA is dismissed. No costs.


(A.K. Bhatnagar)
Judicial Member


(M.P.S. Singh)
Vice Chairman