

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 627 of 2003

Jabalpur, this the 26th day of October, 2004

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

Jayant Kumar Umbre,
Son of Shri B.P.Umbre,
Aged about 30 years,
Choukidar,
Military Engineering Services
(MES), MES Headquarters, 20/1,
CMM Road, Jabalpur, M.P.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India, through its Secretary
Ministry of Defence,
Raksha Bhawan, New-Delhi.
2. Engineer-in-Chief,
Military Engineering Services,
Army Headquarters,
DHQ, PO, New-Delhi.
3. Chief Engineer,
Military Engineering Services,
Jabalpur Zone, Bhagar Marg, Jabalpur.
4. Commander Works Engineers
Military Engineering Services,
Supply Road, PO.54,
Jabalpur, MP.
5. Garrison Engineer,
Military Engineering Services(East)
Jabalpur, District; Jabalpur, M.P

RESPONDENTS

(By Advocate - Shri S.P.Singh)

O R D E R (ORAL)

By M.P.Singh, Vice Chairman-

None for the applicant. Since it is an old matter of the year 2003 we are disposing of this OA by invoking the provisions of Rule 15 of the CAT(procedure) Rules, 1987.

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

"(i) to quash the impugned termination order dated 21.7.2003(Annexure A/1) issued by Respondent no.5,

(ii) to release the entire enquiry proceedings as void ab-initio and to direct the respondents to continue the petitioner on his post with seniority and other benefit."



3. The brief facts of the case are that the applicant was appointed as Chowkidar with the respondent no.5. i.e. Garrison Engineer, Military Engineering Services (East), Jabalpur. He was appointed to the said post, based on the supplementary list of 15 candidates stated to be sponsored by the Employment Exchange. A show cause notice was issued to the applicant on 30.5.2001 (Annexure-A-5) whereby he was informed that his appointment as Chowkidar vide letter dated 10.5.1997 was challenged before this Tribunal by one Shri Raj Kumar Rajak in O.A.No.381/1997 wherein the Tribunal vide its order dated 16.8.2000 passed the order for a departmental enquiry to decide any malpractices in selection procedure. In pursuance of the direction given by the Tribunal, the respondents have conducted the enquiry under Rule 14 of the CCS(CCA) Rules, 1965. During the course of enquiry it has been confirmed by the District Employment Exchange, Jabalpur vide its letter dated 25.2.2002 that the second list of 15 candidates, through which the applicant's name was sponsored, was not sent by them. Thus the applicant resorted to malpractices during recruitment process held in April, 1997 and failed to maintain absolute integrity. The services of the applicant were terminated with effect from 22.7.2003 vide order dated 21.7.2003 (Annexure-A-1). It is against this order, the applicant has filed the present O.A claiming the aforementioned reliefs.



4. The applicant has not challenged the order of the disciplinary authority before the appellate authority. Before going into the merits of the case, we, therefore, direct the applicant to file an appeal against the order dated 21.7.2003 passed by the disciplinary authority within two months from the date of receipt of a copy of this order. The respondents are directed not to insist about the limitation and consider and decide the appeal to be filed by the applicant and take a decision within three months from the date of receipt of such appeal by passing a speaking, detailed and reasoned order.

5. In the result, the O.A. is disposed of in the above terms. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

प्रमाणित सं ओ/न्या.....जबलपुर, दि.....

पंक्ति 1 अंगीकृत:-

(1) सचिव, जज न्यायालय, जबलपुर

(2) अध्यक्ष, जज न्यायालय, जबलपुर के काउंसिल मंगेन्द्रा सिंह

(3) प्रत्यक्षी, जज न्यायालय, जबलपुर के काउंसिल SP Singh

(4) न्यायालय, जज न्यायालय, जबलपुर न्यायालयिक सूचना एवं आवश्यक कार्यवाही हेतु

उप सचिव

28-10-04

Issued
on 28.10.04
B