

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.657 of 2003

(Bilaspur), this the 24th day of November, 2004

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

R.K. Mishra S/o Late H.P. Mishra,
Age about 56 years, working as U.D.C.
Section F-II Ordnance Factory, Khamaria
Jabalpur

Applicant

(By Advocate – Shri A.S. Raizada)

Versus

1. Union of India through Secretary
Ministry of Defence, New Delhi.
2. Chairman, Ordnance Factory Board
10-A Saheed Khudi Ram Bose Road,
Kolkatta.
3. General Manager,
Ordnance Factory,
Khamaria.

Respondents

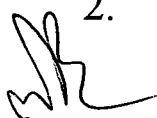
(By Advocate – Shri P.Shankaran)

ORDER


By M.P. Singh, Vice Chairman –

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

- “1. To quash the punishment order dated 8.12.01 and order dated 3.6.2003 passed in appeal.
2. To Grant all consequential relief.”

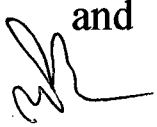


2. The brief facts of the case are that while the applicant was working as Upper Division Clerk under the respondents, he was issued a charge sheet vide memo dated 1.8.2001 (Annexure-R-1) under Rule 16 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 for his misbehavior / use of abusive and threatening languages towards Shri R.K.Mishra on the issue of making absentee payment on 6.11.2000. The applicant made a representation to provide him a copy of the statement which were taken during the fact finding enquiry and also he demanded a Hindi version of the charge-sheet. The Hindi version of the charge-sheet was provided to him and he received it on 29.8.2001. However, the disciplinary authority vide letter dated 8.10.2001 has informed the applicant that the memorandum of charges contained enough details and thus no documentary evidence was necessary for submitting defence reply. The applicant was directed to submit his representation within 7 days, but he failed to submit any reply to the charges and reiterated for copy of the documents. The disciplinary authority after considering the delay tactics of the applicant came to a conclusion that he has nothing to say in his defence. Therefore, the disciplinary authority after careful consideration of all relevant facts and records held the applicant guilty of the charges and imposed the penalty of reduction of pay by one stage in the grade of UDC in the time scale of pay of Rs.4000-6000 for a period of one year without cumulative effect vide order dated 8.12.2001. Similarly, one Shri Sarju Yadav was also punished. The applicant preferred an appeal to the appellate authority



against the said penalty order. The applicant had also approached this Tribunal by filing O.A.No.820/2002 challenging the penalty order dated 8.12.2001. The Tribunal vide order dated 7.3.2003 disposed of the said O.A. at the admission stage itself with a direction to the respondents to dispose of the appeal of the applicant by passing a speaking order. The appellate authority vide order dated 3.6.2003 has rejected the appeal of the applicant. Aggrieved by this order, the applicant has filed this O.A. claiming the aforementioned reliefs.

3. We have heard both the learned counsel at a great length. We find that the respondents have issued a charge-sheet vide memo dated 1.8.2001 under Rule 16 of the CCS(CCA)Rules,1965. The applicant instead of filing a reply to the said charge-sheet was seeking certain documents. The disciplinary authority has given enough time to the applicant to file the reply in pursuance of the charge-sheet given to him. Since the applicant has not filed any reply, the disciplinary authority has passed the order imposing the minor penalty. If the applicant was prejudiced by not providing him the sufficient material to defend his case, he should have asked for a full-fledged enquiry. In this case the respondents have followed the procedure laid down under the rules. It is not a case of no evidence. The applicant as well as said Shri Sarju Yadav who filed a counter complaint has also been punished. It is a well settled legal proposition that the 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 O.A.

4. In the result, the O.A. is devoid of merits and is accordingly dismissed, however, without any order as to costs.

(A.K. Bhatnagar)
Judicial Member

(M.P. Singh)
Vice Chairman

rkv

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....
परिवर्तित दिनांक.....
(1) सचिव, न्याय मंत्रालय, नवलपुर
(2) सचिव, न्याय मंत्रालय, नवलपुर
(3) सचिव, न्याय मंत्रालय, नवलपुर
(4) सचिव, न्याय मंत्रालय, नवलपुर
सूचना एवं आचार्य के कार्यालय से
उप सचिव

A.S. Raizda DAV, 2018
P. Shankaran DAV, 2018

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