

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 171 of 2001

Jabalpur, this the 14th day of May, 2004

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

Munnalal, S/o. Agarwal,
Aged years Labour S.S.
Ticket No. 1149/1127/FS/Grey Iron
Factory, Jabalpur M.P.

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India,
through the Secretary,
Ministry of Defence,
New Delhi.

2. The Ordinance Factory Board,
10A, Shaheed K. Bose Road,
Calcutta 700001.

3. The General Manager,
Grey Iron Foundry, Jabalpur.

... Respondents

(By Advocate - Shri B.da.Silva)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

None is present for the applicant. Since it is an old case of 2001, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

2. By filing this Original Application the applicant has claimed the following main relief :

"i) to quash the order dated 10.4.2000 passed by the respondent No. 2 vide Annexure A-8 and order dated 26.11.1999 passed by the respondent No. 3 vide Annexure A-6."

3. The brief facts of the case are that the applicant is working as Labourer in the Grey Iron Foundry at Jabalpur. He

Was served with a charge sheet dated 15.7.1999 for the following two charges :

- "(i) playing cards inside the factory and wasting Govt. time,
- (ii) misbehaviour with the senior staff by using indecent language, unbecoming of a Govt. servant."

The applicant has admitted the charge No. 1. As regards the charge No. 2, the enquiry was held and the enquiry officer held the charge No. 2 as proved. The findings of the enquiry officer was sent to the applicant and the applicant has made representation against the finding of the enquiry officer. The disciplinary authority after considering the finding of the enquiry officer and the fact that the applicant has already confessed the charge No. 1, ^{vide order dated 26.11.1999} has imposed the penalty/ of reduction in pay by two stages with cumulative effect for a period of two years with effect from 26.11.1999 and thereby reduced the pay from 3300/- to 3170/-. It was further ordered that the applicant will not earn the increment of pay and after expiry of the period of two years the reduction will have the effect of postponing his two increments of pay. The applicant has challenged this order of the disciplinary authority before the appellate authority. The appellate authority vide its order dated 10.4.2000 has rejected the appeal. Hence the O.A. ^{AM}

4. We have given careful consideration to the pleadings made on behalf of the parties and we find that the charge No. 1 has been accepted by the applicant and on charge No. 2 an enquiry was conducted and the enquiry officer has held the charge No. 2 as proved. The applicant has been given opportunity of hearing by supplying the copy of the finding of the enquiry officer. The principles of natural justice have been followed. The enquiry has been held as per the laid down procedure. It is a settled legal proposition that

[Handwritten signature]

the Courts/Tribunals cannot reappraise the evidence and also cannot go into the quantum of punishment unless it shocks the conscience of the Courts/Tribunals. Therefore, we do not find any ground to interfere with the order passed by the disciplinary authority as well as the appellate authority.

5. Accordingly, the Original Application is dismissed.

No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

कृष्णकन सं ओ/न्या जलपुर, दि.....

उत्तिलिपि जलपुर

(1) सचिव, उच्च न्यायालय जलपुर

(2) अवेकत श्री/श्रीमती/श्री के काउंसल

(3) प्रवर्ती श्री/श्रीमती/श्री के काउंसल

(4) गंधर्वल, केंद्र, जलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

1-6-04

Applicant ✓
RD Sharma
B. dasilva

Issued
1-6-04