

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

...

original Application No. 425/2001

Jabalpur, this the 5th day of February, 2004

Hon'ble Shri M.P. Singh, Vice-Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Somnath Barmen s/o Sh. Gaya Prasad,
Fitter H.S. 11, T.No. 327,
Gun Carriage Factory,
Jabalpur.

...Applicant

(By Advocate: None)

-versus-

1. Union of India through
Secretary,
Ministry of Defence,
New Delhi.
2. Chairman,
Ordnance Factories Board,
10-A, Shaheed K.B. Road,
Calcutta.
3. The General Manager,
Gun Carriage Factory,
Jabalpur.

...Respondents.

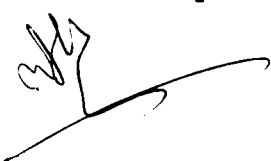
(By Advocate: Shri S.P. Singh)

ORDER (ORAL)

By M.P. Singh, Vice Chairman-

Since this is an old matter pertaining to the year 2001, we dispose of this O.A. by invoking the provisions of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. By filing this O.A., the applicant has sought the relief to quash the order dated 11.8.2000 (Annexure A-6) passed by the disciplinary authority and order dated 20.3.01 (Annexure A-8) passed by the appellate authority, with all consequential benefits.



3. The brief facts of the case are that the applicant while working as High Skilled Fitter Grade-II was issued with a chargesheet (Annexure A-1). The following charges were levelled against the applicant:

अनुलग्नक- 1

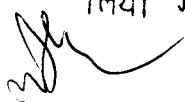
श्री सोमनाथ, टि.नं. 327/ओ.कर्म. फिटर एच.एस्. -11, पर्सनल नंबर 013779, बी.आर.एस्., तोपगाड़ी निर्माणी, जबलपुर पर लगाये आरोपों के अनुच्छेद का विवरण :-

उक्त श्री सोमनाथ, टि.नं. 327/ओ.कर्म., फिटर एच.एस्. -11, बी.आर.एस्., तोपगाड़ी निर्माणी, जबलपुर ने वर्ष 1999 के फरवरी माह में, घोर कदाचार - दो सहकर्मियों के बीच बातलाप में विवेचित ढंग से दखलंदाजी करना और शारीरिक पुहार कर मारपीट की शुरुआत करना - अनुशासन विरोधी कृत्य एवं केन्द्रीय नागरिक सेवायें आचरण नियमावली 1964 के नियम 3११ का उल्लंघन किया।

अनुलग्नक - 2

श्री सोमनाथ, टि.नं. 327/ओ.कर्म. फिटर एच.एस्. -11, पर्सनल नंबर 013779, बी.आर.एस्., तोपगाड़ी निर्माणी, जबलपुर पर लगाये आरोप के अनुच्छेद के समर्थन में उनके द्वारा किये गये दुराचरण अथवा दुर्व्यवहार का विवरण :

श्री सोमनाथ पर आरोप लगाया जाता है कि दिनांक 28/2/99, की सुबह, लगभग 0925 बजे, बी.आर.एस्. (ओएफ) में उन्होंने कार्य निष्पादन हेतु तैयार हो रहे दो सहकर्मियों सर्व श्री शंकरलाल, टि.नं. 224/ओ.कर्म., फिटर स्किल्ड, और रामायण सिंह, टि.नं. 098/ओ.कर्म., श्रमिक एस्/एस्. की आपसी बातचीत में सुनियोजित ढंग से दखलंदाजी की और दोनों व्यक्तियों के मना करने पर श्री सोमनाथ ने धक्का देकर उन दोनों पर शारीरिक पुहार किया। इससे सर्वश्री शंकरलाल और रामायण सिंह को घोटें आई और उपचारार्थ उन्हें सतपुला अस्पताल भेजना पड़ा, जहाँ श्री रामायण सिंह को आई चोटों के कारण अस्पताल में दाखिल कर लिया गया।

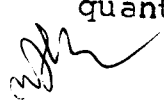


4. The enquiry officer was appointed to enquire into the charges. The applicant participated in the enquiry. The enquiry officer concluded the enquiry holding that the charges were proved. A copy of the findings of the enquiry officer was sent to the applicant for submitting his representation. The applicant has submitted his representation on 14.06.2000. The disciplinary authority after taking into consideration his representation and the report of the enquiry officer imposed the penalty of reduction of his pay by two stages from RS. 4300/- to RS. 4100/- for a period of one year with cumulative effect.

5. The applicant thereafter submitted an appeal to the appellate authority on 8.9.2000. His appeal has been rejected by the appellate authority by the order dated 20.03.2001(A-8). Aggrieved by this, the applicant has filed the present O.A.


6. During the course of arguments, learned counsel for the respondents has stated that the applicant participated in the enquiry and he was given full opportunity of hearing. Hence, the principles of natural justice have been followed by the respondents. According to the learned counsel for the respondents, the enquiry has been held as per the procedure laid down in CCS(CCA) Rules.

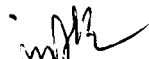
7. We have given careful consideration to the rival contentions and we find that the applicant was issued with a chargesheet on man handling his co-workers. The enquiry officer was appointed who concluded the enquiry holding the charges ^{as} proved. Thereafter, the findings of the enquiry officer were sent to the applicant who submitted his representation. The applicant has, therefore, been given a reasonable opportunity of hearing and thus the principles of natural justice have not been violated by the respondents. It is a settled law by the Hon'ble Supreme Court that the Tribunal cannot reappraise the evidence and also cannot go into the quantum of punishment.



8. Since we are satisfied that the enquiry has been conducted by the respondents as per rules and procedure laid down in CCS(CCA) Rules, we do not find any infirmity with the orders passed by the disciplinary authority as well as appellate authority.

9. For the reasons recorded above, the O.A. is bereft of merit and is accordingly dismissed. No costs.

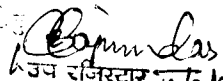

(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

/na/

पृष्ठंकन सं ओ/न्या.....जलनपुर, दि.....
प लिखित नि आवेदित:-

- (1) सचिव, उत्तर प्रशासनिक कार्य विभाग, जलनपुर
- (2) आदेशक श्री/श्रीमती.....के सम्मुख MB Shrivastava, Adh.
- (3) प्रत्यक्षी श्री/श्रीमती.....के सम्मुख SP Singh, Adh.
- (4) जलनपुर, जलनपुर, जलनपुर

सूचना एवं आदेशक के सम्मुख

उप रजिस्ट्रार 11/2/04

Filed
11/2-04