

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT BENCH AT INDORE

Original Application No. 32 of 2002

Indore, this the 15th day of January, 2004

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

Ashok Bad, S/o. Shri Ramlal
Bad, Aged 31 years, Occupation
Unemployed, Ex-Helper Grade-B,
Centre for Advance Technology,
Indore, R/o. : 103, Ada Bazar,
Indore (MP).

... Applicant

(By Advocate - Shri Rajendra Tiwari on behalf of Shri C.B.
patne)

V e r s u s

1. The Union of India,
Through Secretary to the Govt.
of India, Department of Atomic
Energy, Mumbai.
2. The Chief Administrative Officer,
Centre for Advance Technology,
Rajendra Nagar, Indore (MP).
3. The Administrative Officer-III,
Centre for Advance Technology,
Rajendra Nagar, Indore (MP).

.. Respondents

(By Advocate - Shri V. Saran)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has sought to quash the punishment order dated 11.06.2001 (Annexure A-8) issued by the respondent No. 3 and the appellate order dated 31.08.2001 issued by the respondent No. 2 (Annexure A-10). He has also further sought direction to the respondents to reinstate him in service with all consequential benefits.

2. The brief facts of the case as stated by the applicant are that the applicant was working as Helper Grade-B in Centre for Advance Technology under the Department of Atomic

MP

Energy of the Central Government at Indore. It is submitted that by the applicant/one Shri Kalusingh, Helper Grade-B of Centre for Advance Technology, Indore, was caught red-handed while taking away a copper rod weighing 40 Kgs. from the CAT premises on 23.06.2000. The said ~~statement~~ of Shri Kalusingh, ~~he~~ implicated the applicant in order to save himself and the applicant was made to write confession ^{statement} in writing on a paper on 23.06.2000 showing that the applicant had given that rod to the said Shri Kalusingh, who was taking it away unauthorisedly. The respondents issued a charge sheet dated 02/11.08.2000 (Annexure A-2) to the applicant alleging that the applicant attempted to steal the copper rod weighing 40 Kgs. The applicant vide his own statement dated 23.06.2000 has admitted that the said copper rod was given by him to Shri Kalusingh. This statement was made by the applicant on his own will which has been witnessed by Shri U Nundy, Scientific Officer/H, Shri SD Sharma, Scientific Officer/E and Shri Brahmanand Sisodiya, Scientific Assistant/C of Centre for Advanced Technology, Indore. After issuance of the charge sheet an enquiry officer was appointed to investigate into the charges. The enquiry officer concluded the enquiry holding the charge proved. The applicant was given a copy of the findings of the enquiry officer and he submitted his representation/on it. The disciplinary authority after taking into consideration ^{the} representation, findings of the enquiry officer and other relevant materials available on record imposed the penalty of dismissal from service, on the applicant. He filed an appeal against the order of the disciplinary authority to the appellate authority. The appellate authority vide its order dated 31st August, 2001 (Annexure A-10) has rejected the appeal.

Aggrieved by this he has filed this Original Application

claiming the aforesaid reliefs.


3. Heard the learned counsel for the parties and have perused the records of the case very carefully.

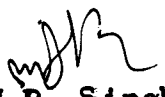
4. The learned counsel for the respondents has submitted that while questioning Shri Kalusingh he admitted that the copper rod was collected by him from the applicant. The applicant has also admitted his guilt. Due procedure was followed to hold the enquiry. The charges against the applicant were proved and the applicant was given the opportunity of hearing before the penalty of dismissal from service was imposed on the applicant. Thus principles of natural justice had been followed by the respondents before imposing the penalty on the applicant.

5. We have considered the rival contentions and the pleadings. We find that the applicant has been charge-sheeted for stealing the copper rod weighing 40 Kgs., with the help of another helper Shri Kalusingh. He has admitted his guilt vide Annexure A-1 dated 23.06.2000. The respondents have held the enquiry against the applicant by appointing the enquiry officer. The enquiry officer concluded the enquiry holding that the charges are proved. The applicant has been given a copy of the findings of the enquiry officer and thus was granted opportunity for making representation against the finding of the enquiry officer. The respondents have followed the due procedure and have given opportunity of hearing to the applicant. Thus no principles of natural justice have been violated by the respondents. It is ^{the} settled position of law that the Tribunals and Courts cannot go into the question of quantum of punishment, except in cases when it shocks the conscious

of the Tribunal/Courts. In this case we find that the charges are very ^{grave &} severe as the applicant with the help of another helper Shri Kalusingh was stealing a copper rod weighing 40 Kgs. In view of the observations made above, we do not find any ground to interfere with the orders of the disciplinary authority and the appellate authority.

6. Accordingly, the Original Application is bereft of any merit and the same is dismissed. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

Copy to
ii) Shri C.B. Patne Adv
"SA" Indore
iii) Shri V. Suresh Adv.
for respondents