

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 588 of 2001

Jabalpur, this the 18th day of May, 2004

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

Laxman Son of Shri Ram Prasad,
aged 42 years, R/o. Tahsil - Panagar,
Tahsil & Distt. Jabalpur, Terminated
Labour Grade-A, Ticket No. 122/0/Karm/
Carpainter Section, Gun Carriage Factory,
Jabalpur (MP). (Deceased)

Legal Heirs -

1. Smt. Vimlabai, aged 40 years, wife,
2. Rajesh, aged 25 years, son,
3. Khusiram, aged 20 years, son,
4. Ku. Reena, aged 16 years, daughter,
5. Ku. Parvati, aged 12 years, daughter. ... Applicants

(By Advocate - None)

V e r s u s

1. Union of India,
through its Secretary,
Ministry of Defence,
New Delhi.
2. Additional DGOF/Member,
Appellate Authority, Ordnance
Factory Board, 10-A Shaheed KB Road,
Kolkotta.
3. General Manager,
Gun Carriage Factory,
Jabalpur (MP). ... Respondents

(By Advocate - Shri K.N. Pethia)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant
has claimed the following main reliefs :

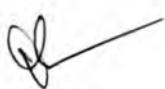
"(i) to quash the impugned removal order dated
17.3.2000 (Annexure A-5),

(ii) to set aside the rejection order dated
10.4.2000 (Annexure A-7) passed by the respondent
No. 2,

(iii) to direct the respondents to reinstate the
applicant (Laxman) with all consequential benefit
of his service and to work under the respondent No.
3 as the applicant was working prior to impugned
order."



2. The brief facts of the case are that the applicant (Laxman) was working as Labour Grade-A in the Carpenter section since his appointment in the year 1976 till his termination/removal order passed by the respondent No. 3. A departmental enquiry was initiated against the applicant alleging that on 24.7.1999 at about 4.35 PM, he attempted to commit theft and alleged to have been caught by some Watchman of the respondent factory. No reasonable opportunity was given to the applicant. The applicant specifically denied all the charges levelled against him and requested for giving him a defence counsel and also time be granted for arranging defence counsel. On 25.2.2000 the applicant was not present before the enquiry officer and the enquiry was proceeded against him in his absence. The departmental witnesses were examined and the case was closed. The enquiry officer submitted his report with finding that the charges levelled against him is proved. A show cause notice was issued to him and he was directed to submit a reply before the respondent No. 3. Thereafter the applicant receiving a show cause notice met the enquiry officer and the enquiry officer advised that if the charges levelled against him be admitted then minor punishment will be awarded. The reply was submitted by the applicant in which he admitted the charges alleged/ levelled against him. On receiving the reply, the respondent No. 3 has passed order dated 17.8.2000, wherein he has been removed/terminated from service. The applicant was shocked and dismay to receive the order because the order is illegal, arbitrary and passed without applying the principles of natural justice and no reasonable opportunity was given to the applicant. After receiving this order the applicant became handicapped and made an appeal before the respondent No. 2. This was also rejected



vide order dated 10.4.2001 by the appellate authority. Hence the applicant has approached this Tribunal by filing this OA and claiming the aforesaid reliefs.

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

4. The learned counsel for the respondents argued that the alleged letter written by the applicant dated 15.7.2000 was voluntarily written and it was not obtained by way of any mis-guidance, inducement or threat. In this letter the applicant has clearly admitted all the charges levelled against him to be true and further mentioned that he feels very shame for the fault committed by him. Hence he did not defend himself against the charge sheet, and did not join in the departmental proceedings because he is not considering himself to show his face in the factory and to the concerned authorities. He wants to draw the circumstances under which he was compel to commit the unwanted act, due to starvation of his family and he admitted to commit theft of the Government property for which he is highly ashamed. The applicant has never moved any application before any authority stating that the aforesaid letter was got written by the enquiry officer in false pretext. The departmental enquiry was held in accordance with rules and the orders passed by the authorities concerned are speaking and reasoned orders.

5. After hearing the learned counsel for the respondents and on perusing the pleadings of both the parties, we find that this is not a case of no evidence. We have perused the admission letter of the applicant Annexure A-4 in which he has clearly admitted the charges levelled against

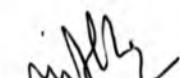


him. Even then the respondents conducted the departmental enquiry and the charges were proved against the applicant. He was given opportunity of hearing and he was also afforded proper opportunity to defend his case. The applicant remained absent in the enquiry proceedings without any reason. The enquiry was conducted as per the statutory rules and no principles of natural justice has been violated. The disciplinary authority considering the gravity of the offence and also the evidences adduced before the enquiry followed by the acceptance by the applicant of his guilt, imposed the impugned penalty. The enquiry was conducted in a fair and proper manner. It is a settled legal proposition that 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.

6. Hence, we are of the considered opinion that this Original Application has no merit and deserves to be dismissed. Accordingly, the Original Application is dismissed. No costs.



(Madan Mohan)
Judicial Member



(M.P. Singh)
Vice Chairman

"SA"

कृष्णगढ़ सं. ओ/ज्या. जबलपुर, दि.
प्रतिनिधि वार्ता विभाग

- (1) राजित, उत्तर नवाजलन्ड एवं उत्तर नवाजलन्ड, जबलपुर
- (2) वारोदरा ओ/वीडी/वु. के कार्रवाल
- (3) जबलपुर ओ/वीडी/वु. के कार्रवाल
- (4) जंगलपुर, ओ/वा. जबलपुर व्यापारी

राजना एवं आवश्यक कार्यवाही हेतु

B P Sharma
K N Pethia

Rejumalp
उम राजस्थान 21.6.74

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on 21-6-74