

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 662 of 2002

Jabalpur, this 6th day of September, 2004

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

Jayanti Prasad Pathak, aged about 50
years, S/o. Shri Ramsharan Pathak, Sr.
Diesel Mechanic, Bank Note Press, Dewas,
R/o. 4, Viveknagar, Radhaganj,
Dewas, M.P.

... Applicant

(By Advocate - None)

V e r s u s

1. General Manager, Bank Note Press, Dewas.
2. Dy. General Manager, Bank Note Press, Dewas.
3. Union of India, Ministry of Finance, through its Secretary, North Block, New Delhi.

... Respondents

(By Advocate - None)

O R D E R

By Madan Mohan, Judicial Member -

None is present for either parties. Since it is an old case of 2002, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 and Rule 16 of CAT (Procedure) Rules, 1987.

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

"(i) to quash the punishment order dated 24.11.2000 and the appellate order dated 4.4.2002 Annexure A-1 and A-2 respectively passed against the applicant imposing a penalty of stoppage of one increment."

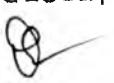
3. The brief facts of the case are that the applicant was initially appointed as Senior Diesel Mechanic on 7.1.1976 and was regularised on 2.2.1989 and his pay was fixed as Rs. 1320-2000/- On 12.4.1989 in the shift of 7.00 p.m. to 6.30 a.m. the applicant was discharging his duties as Sr.

Q3

Diesel Mechanic in the Section. One Shri Uttam Singh Thakur, Assistant Electrician, despite repeated warnings being given to him in the past not to put off the lights and keep the doors open of the section, was habitual and adamant to put off the lights and sleep in the section. Complaints were also made against him in the past. On some querry by the applicant to Shri Uttam Singh Thakur, Shri US Thakur became very excited and questioned the authority of the applicant to suggest and advice. He started shouting and hurling filthy abuses and defied. The applicant took strong exception to his most objectionable use of language and serious insubordination. The applicant made a complaint of the incident so occurred on 13th and 14th April, 1989 to his senior officers. The applicant was suspended by order dated 21.4.1989. Shri U.S. Thakur was also suspended. The applicant's suspension was revoked on 19.5.89. A charge sheet dated 2.5.89 was issued to the applicant. The said charge sheet was served alongwith two complaints dated 13.4.1989 and 16.4.1989 said to be made by Shri U.S. Thakur. The applicant filed his reply to the charge sheet on 9.5.89. The enquiry was held from 19.1.1990. Six witnesses were examined. The enquiry officer after having assessed the depositions on record and considering the material contradictions in depositions of witnesses recorded a finding that charges levelled against the applicant were not proved for want of evidence. The disciplinary authority with a bad and malafide intention to victimise and harm the applicant imposed a punishment of withholding of one increment without cumulative effect on the applicant vide order dated 21.2.1993. The disciplinary authority recorded its dis-agreement with the report of the enquiry officer on his own without considering the entire depositions and reached totally unwarranted and reached totally on unwarranted and uncalled conclusions that the quarrel took place between the applicant and Shri U.S.

Thakur and U.S. Thakur was assaulted. The order passed by the disciplinary authority imposing the punishment on the applicant is arbitrary and with malafide intentions. The applicant preferred an appeal but the same also was dismissed by a mechanical order. The applicant filed a OA No. 431/94 challenging the order of the disciplinary authority and the appellate authority. The Tribunal vide its order dated 2.12.1999 quashed the order of punishment and remitted back the matter to the disciplinary authority with the direction that if he disagree with the findings of enquiry officer, he should give reasons for that and give show cause notice to the applicant and thereafter should proceed with the enquiry for passing appropriate order. In pursuance of the order of the Tribunal the applicant filed his representation on 15.7.2000 to the disciplinary authority. The disciplinary authority vide order dated 24.11.2000 maintained the punishment imposed on him earlier. The appeal preferred by the applicant has also been dismissed vide order dated 4.4.2002. Hence, this Original Application.

4. After careful perusal of the records and pleadings, we find that the enquiry officer has submitted his report after having assessed the depositions on record and considering the material contradictions in depositions of witnesses. The charges levelled against the applicant were not proved but the disciplinary authority had imposed the penalty vide order dated 21.2.1993. The appeal of the applicant was also dismissed vide order dated 7.4.1994. The applicant filed OA No. 431/1994, in which vide order dated 2.12.1999 both the aforesaid orders were quashed and the disciplinary authority ~~were~~ directed to give reasons of his dis-agreement and to give show cause notice to the applicant and thereafter he shall proceed with the enquiry for passing the appropriate orders. The disciplinary authority had mentioned his reasons



in Annexure R-16 dated 31.5.2000 filed with the reply of the respondents. Due opportunity was given to the applicant. The disciplinary authority vide order dated 24.11.2000 maintained the punishment imposed by him earlier and the appeal of the applicant against this order was also dismissed vide order dated 4.4.2002. This is not a case of no evidence. The impugned orders passed by the respondents are speaking and reasoned orders. 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.

5. Hence, we are of the considered opinion that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, this Original Application is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन सं. ओ/न्या.....जललपुर, दि.....
पत्रितिपि अचो धित -

(1) सचिव, उच्च न्यायालय वार एकाडेमिक, जललपुर *Shri A. Shrivastava*,
H.C. 11/2002
(2) अदेशक श्री/श्रीमती. के कार्यालय *Shri S. C. Sharma*,
H.C. 11/2002
(3) अदेशक श्री/श्रीमती. के कार्यालय
(4) अदेशक श्री/श्रीमती. के कार्यालय

कार्यालय कार्यालय कार्यालय
उपरजिस्ट्रेशन
लैटर लैटर

Issued
on 10.9.09
B