

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 94/2001

Jabalpur, this the 13th day of February, 2004

Hon'ble Shri M.P.Singh, Vice Chairman
Hon'ble Shri G.Shanthappa, Member (J)

Anoop Kumar Verma,
T.No. 1957/NIE,
Store Keeper, W.I.S.,
Gun Carriage Factory,
Jabalpur (MP).

...Applicant

(By Advocate:- Shri Bhoop Singh)

-versus-

1. Chairman,
Ordnance Factory Board,
10-A, Shaheed Khudiram Bose Road,
Calcutta - 700 001.

2. General Manager,
Gun Carriage Factory,
Jabalpur.

3. The Union of India through
Secretary,
Defence Department,
New Delhi.

...Respondents

(By Advocate:- Shri S.A.Dharmadhikari)

O R D E R (ORAL)

By M.P.Singh, Vice Chairman -

By filing this O.A., the applicant has sought a direction to quash "the penalty order dated 13.6.2000 (Annexure A-15) and appellate order dated 22.9.2000 and give the benefit as earlier" and for further relief "to direct the respondents that the increment which is reduced, the same may be restored and give regular payment."

2. The brief facts of the case are that the applicant is working as Store Keeper under the respondent no. 2 General Manager, Gun Carriage Factory. He was issued with a chargesheet dated 16.02.1995. The charges levelled



against the applicant were as under:-

- (i) Threatening to assault the superior officer.
- (ii) Abusing the superior officer with unparliamentary language and trying to assault him with an iron rod.
- (iii) Trying to sneak-out of the factory without proper gate pass thus violating the mustering instructions.

3. An enquiry officer had been appointed to investigate the charges levelled against the applicant. The enquiry officer conducted the enquiry and concluded the same. The enquiry officer filed his report with the findings that the charges levelled against the applicant are proved. The said findings of the enquiry officer were sent to the applicant for submitting his representation. He has submitted his representation. The disciplinary authority after considering his representation and findings of the enquiry officer, has imposed the penalty on the applicant to reduce his pay by two stages i.e. from Rs. 3585 to Rs. 3425/- for a period of one year with cumulative effect.

4. The applicant has filed an appeal before the appellate authority, against the order of the disciplinary authority passed on 13.06.2000, vide his appeal dated 11.7.2000. We find that number of issues have been raised by the applicant in his appeal. The appellate authority vide order dated 22.09.2000 has rejected the appeal of the applicant. We find that the appellate authority has not dealt with all the issues raised by the applicant in the order dated 22.09.2000 while rejecting the appeal. The appellate authority has not applied his mind and has not considered all the issues raised by the applicant in his appeal. The order passed by the appellate authority is, therefore, not a speaking and reasoned order, hence cannot be sustainable in the eye of law. We, therefore, quash the appellate authority's order dated 22.09.2000 and remit the case back to the

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appellate authority to consider all the issues raised by the applicant in his appeal by passing a speaking, detailed and reasoned order within a period of three months from the date of receipt of a copy of this order with communication to the applicant.

5. With the above directions, the O.A. is disposed of with no order as to costs.



(G. Shanthappa)
Judicial Member



(M.P. Singh)
Vice Chairman

/skm/

पूर्णांकन सं. ओ/ज्या..... नं., दि.

प्रसिद्धिप्राप्ति (प्राप्ति) दिनांक.....

- (1) राजिना, राज. अ. 100, निवास नं. 100, नालकुर
- (2) अमरेश्वरी, राज. अ. 100, निवास नं. 100, नालकुर
- (3) राजाराम, राज. अ. 100, निवास नं. 100, नालकुर
- (4) लोकपाल, राज. अ. 100, निवास नं. 100, नालकुर

B. Singh
SIA Dharmsinh Mehta
Rajendra
उप रजिस्टर

Received
23.02.04