

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 828 of 2002

Jabalpur, this the 13th day of January, 2003.

Hon'ble Mr. Justice N.N. Singh- Vice Chairman
Hon'ble Mr. Sarveshwar Jha- Member (Admnv.)

A.P. Tiwari S/o late Ganga Prasad Tiwari
Office Superintendent (P.C.No.40)
Personnel No.701634 E.N. Engineering
Office, GCF Jabalpur, R/o Q.No.377/2
Type-II, Panehara Line, GCF Estate,
Jabalpur.

-APPLICANT

(By Advocate- Mr.S.P.Tripathi)

Versus

1. Union of India through
Secretary, Ministry of Defence,
New Delhi.
2. Chairman/DGOF,
Ordnance Factory Board, Kolkata.
3. General Manager,
Gun Carriage Factory, Jabalpur.

-RESPONDENTS

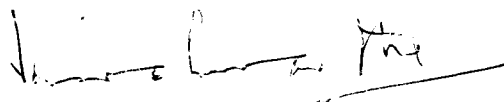
O R D E R (ORAL)

The applicant has approached this Tribunal against the order of the respondents dated 25.9.1998 (Annexure A/1) by which penalty of reduction of his pay from Rs.5,450/- to Rs.5,300/- was imposed for one year on temporary basis without any cumulative effect.

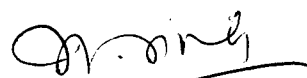
2. The facts of the case are that the applicant had been ^{ed} ~~availing~~ leave during the period 1997 and 1998 for 55 days and 142 days respectively. He has submitted that Senior Medical Officer, G.C.F. Satpura Hospital, Jabalpur had forwarded the applicant to Military Hospital, Jabalpur for his treatment, and ^{that he} the applicant had already submitted all relevant papers regarding treatment to the Administration. There is also ^a mention ^{that he} that he was on leave only for 74 days in the year 1996 and ^{that he} he has ~~been~~ given explanation

for the fact that the leave of the said period also was sanctioned as explained in paragraph 4.2 itself. He has further alleged that the impugned order has been issued without getting an enquiry conducted into the matter and without affording him an opportunity of hearing.

3. On perusal of the details given in the application, it appears that the applicant had submitted an appeal to the Appellate Authority for reconsideration of the penalty imposed on him, but the same was not forwarded to the Appellate Authority by the General Manager, who is the Disciplinary Authority. He had also submitted an application for condonation of delay in filing the appeal. On consideration of the fact that the applicant had submitted his details appeal as placed at Annexure A/5, which should have been appropriately considered by the Appellate Authority, we are of the view that the matter be referred to the General Manager (Respondent No.3) with directions that he may forward his (applicant's) appeal to the Appellate Authority within a period of one month from the date of receipt of this order for consideration of the appeal by the Appellate Authority and for issuing a reasoned order as per law and as per rules on the subject. With this, this O.A. is disposed of at this stage itself while hearing on the point of admission.



(Sarveshwar Jha)
Member (Admnv.)



(N.N. Singh)
Vice Chairman

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
प तिलि:ने वा नो:मि ला:-

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) आवेदक श्री/श्रीमती/श्री/श्रीमती/श्री/श्रीमती के काउंसलर
- (3) फरजी श्री/श्रीमती/श्री/श्रीमती के काउंसलर
- (4) मजिस्ट्रेट, जबलपुर जज के
सूचना एवं आवश्यक कार्यवाही हेतु

S.P. Gupta - Ad
RSP No 3 with petition

Shivastava
उप निदेश
15/11/03

Issued
on 16.11.03
SS