

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 948 of 2000

Jabalpur, this 26th day of March, 2004

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

K.K. Vishwakarma, son of Late B.L.  
Vishwakarma, aged about 56 years,  
resident of 440, Jonesganj, Marhatal,  
Jabalpur.

APPLICANT

(By Advocate - Shri S. Paul)

VERSUS

1. Union of India through the  
Secretary, Ministry of  
Defence, North Block, New Delhi.

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

3. General Manager, Gun Carriage  
Factory, Jabalpur.

RESPONDENTS

(By Advocate - Shri Anand Singh on behalf of Shri  
B.da.Silva)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has the following  
main reliefs :-

(a) to quash the impugned orders, Annexures A-4,  
A-6 and A-8.

(b) to command the respondents to reinstate the  
petitioner in service with backwages and  
all consequential benefits!

2. The brief facts of the case are that the applicant  
was working as Store Keeper in Gun Carriage Factory. He  
was issued <sup>with 2</sup> a charge sheet, <sup>2</sup> against ~~the~~ charge levelled  
against him is as follows:-


"उक्त श्री के 0 के 0 विश्वकर्मा ने वर्ष 1997 के मार्च माह में  
"घोर कदाचार- सरकारी सम्पत्ति की चोरी का प्रयास- अनुशासन  
विरोधी कार्य किया जो कि एक शासकीय कर्मचारी से अपेक्षित  
आचरण के पुतिकूल व्यवहार एवं केन्द्रीय सिविल सेवा आचरण  
नियमावली 1964 के नियम 311, 312, 313 एवं 314  
का स्पष्ट उल्लंघन है।"

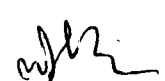
An enquiry officer was appointed to investigate the charges levelled against the applicant. The enquiry officer has concluded the enquiry and the charge levelled against the applicant was proved and a copy of the enquiry officer report was forwarded to the applicant to submit his representation. On 25.8.1998/ the applicant has submitted his representation. The disciplinary authority has taken into consideration the representation of the applicant and the findings of the enquiry officer and thereafter has imposed penalty of removal from service on the applicant vide order dated 8.10.98. The applicant has made an appeal against the order of the disciplinary authority. Vide order dated 30.9.1999, the said appeal has been rejected. Aggrieved by this, he has filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the records.

4. In this case we find that the charge levelled against the applicant is very serious as it involved<sup>1</sup> moral turpitude. The enquiry was held and the charge levelled against the applicant was proved. He has been given an opportunity of hearing and also provided a copy of the enquiry report to submit his representation. Thus, the principles of natural justice have<sup>2</sup> been followed by the respondents. Now it is well settled proposition of law, the Tribunal cannot reappraise the evidence and also cannot go into the quantum of punishment.

5. For the reasons recorded above, we do not find any ground to interfere<sup>with</sup> the order of disciplinary authority. Therefore, OA is bereft of merits and accordingly, it is dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman