

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, JABALPUR

CIRCUIT COURT SITTING HELD AT INDORE

O.A. NO. 964/1997

Rajendra, S/o. Mohanlal Mahajan,
Aged 42 years, Occup-Senior Checker,
BNP Dewas, R/o. 111, Bada Bazar, Dewas.

..... **Applicant**

V e r s u s

1. Union of India through
Secretary, Ministry of Finance,
Department of Economic Affairs,
New Delhi.

2. Joint Secretary,
Ministry of Finance,
Department of Economic Affairs.

3. General Manager,
Bank Note Press, Dewas.

..... **Respondents**

Counsel :

- Miss. Vandana Kasrelar for the applicant.
- Shri B. da Silva for the respondents.

Coram :


Hon'ble Shri Justice N.N. Singh – Vice Chairman.
Hon'ble Shri Govindan S. Tampi – Member (Admnv.).

ORDER (Oral)


(Passed on this the 19th day of February 2003)

Shri Govindan S. Tampi :-

Heard learned counsel for both the parties.



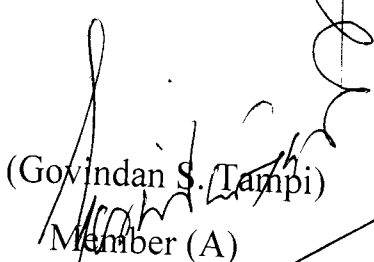
2. Challenge in this OA is directed against the order dated 27/10/199⁵₅, passed by the disciplinary authority and the appellate order dated 11/11/1997. The applicant, who is an employee of the Bank Note Press at Dewas was charge sheeted on 21/12/1990 under Rule 14 of the CCS(CCA) Rules, 1965 on the allegations that he keeps his punching card in his own locker instead of keeping it with the sectional rack and leaves the office early and when questioned, had misbehaved with the Head Checker. On the applicant's denying the charges inquiry was held wherein the charge was shown as proved, following which the disciplinary authority imposed on him a penalty of reduction by 5 stages from Rs. 1560 to 1420/- in the pay scale of Rs. 1200-2040/- for a period of 4 years. The same was upheld in the appellate order dated 11/11/1997. It is the plea of the applicant that a number of procedural irregularities had been committed by the respondents during the proceedings and he had been penalized out of the prejudice of the respondents. The applicant also points out that both the orders – of the disciplinary authority and the appellate authority – were totally non speaking and did not at all take into consideration any of the important points raised by the applicant. The orders, were therefore vitiated and accordingly liables to be set-aside. The above pleas were forcefully reiterated by Ms. Vandana Kasrekar learned counsel for the applicant.

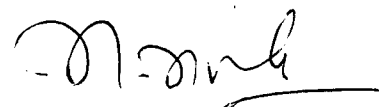


3. On the other hand it is pointed out in the reply filed by the respondents that the applicant had acted incorrectly and out of the two charges raised against him, one was found have been proved and accordingly, a punishment of reduction of pay for 5 stages for a period of 4 years without cumulative effect was imposed by the disciplinary authority on 27/10/199⁹5. The applicant's appeal dated 15/12/1995 was rejected by the appellate authority on 11/11/1997, as he found nothing in the disciplinary authorities order which called for interference. The proceedings initiated by the respondents and the orders passed by the disciplinary authority and the appellate authority were strictly in accordance with rules an on the basis of rules and on facts. The applicant's plea that he has been imposed multiple penalties is not borne by facts, as though reduction in pay by four stages for 5 years has been ordered, the same is without any cumulative effect. As the charge that the applicant leaves his place of work always earlier stood proved the respondents were correct in initiating the proceedings against him. The appellate authority had also considered the points raised by the applicant but did not find any reason to differ from the original order. In the circumstances that he was agreeing with the findings of disciplinary authority, he was not expected to ^{write} ~~write~~ a detailed order. The appellate order, in the circumstances could not be faulted.

learned counsel for the respondents (Shri Brian da Silva), had argued that as the appellate authority did not find any specific ground to defer from the order of the disciplinary authority, he had not passed a detailed order but had indicated specifically that he agreed with the same. We do not agree. When the appellant (the applicant in this case) had raised a number of points in the detailed appeal filed by him, it was incumbent in the appellate authority to discuss their merits and come to a decision. The same has not been done and the appellate order is therefore wanting in nature. The same is therefore liable to be quashed and set-aside.

5. In the result the OA succeeds partially and is accordingly disposed of. The appellate order No. F.8/1/97-Cy.II(BNP), dated 11/11/1997 passed by the Joint Secretary, (CC&A), is quashed and set-aside and remanded to the said authority for issuing a fresh order discussing all the points of law fact raised in the appeal, within 3 months from the date of receipt of copy of this order. No costs


(Govindan S. Tampi)
Member (A)


(N.N. Singh)
Vice Chairman

प्रमाणित :-

- (ii) अनुसूचित जाति (अ.ज.) का प्रतिशत ४०.०० प्रतिशत है।

[illegible]

(३) पुनर्वसन

(4) \mathcal{C}_1 is a \mathcal{C}_2 -subalgebra of \mathcal{C}_1 if and only if \mathcal{C}_1 is a \mathcal{C}_2 -subalgebra of \mathcal{C}_1 .

पुस्तक प्रकाशक का नाम

८.

Tricastren
जुलै 1/12/27

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KU-N
13000000 Adm.

Issued
on 6.3.03
BZ