

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 196 of 1999

Jabalpur, this the 11th day of September 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

V.K. Mishra
S/o Late R.D. Mishra,
aged about 50 years
Occupation Teacher Primary
School, Vehicle Factory,
Jabalpur, Jabalpur (M.P.)

APPLICANT

(By Advocate - Shri Azhar Siraj)

VERSUS

1. Union of India
(Through - Secretary,
Ministry of Defence)
2. Additional DEOF/Member
appellate authority
Ordnance Factory Board,
10 A. Shaheed K.B. Road,
Calcutta - 700001.
3. General Manager,
Vehicle Factory Jabalpur,
Jabalpur (M.P.)
4. Smt. M. Guchact,
Head Mistress,
Primary School,
Vehicle Factory Jabalpur,
Jabalpur (M.P.)

RESPONDENTS

(By Advocate - Shri S. Akhtar holding brief of Shri B.da.Silva)

ORDER (ORAL)

By Anand Kumar Bhatt, Administrative Member -

This application is against the punishment order dated 7.9.1998 (Annexure-A-4) by which the penalty of withholding of one increment for one year without cumulative effect was given to the applicant and against appellate order dated 5.3.1999 (Annexure-A-6).

2. Facts in brief are that the applicant is a teacher in Vehicle Factory Primary School, Jabalpur. He had given a special casual leave application for attending a teachers' conference at Kanpur. He was asked by the Headmistress to

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enclose relevant Factory orders on which he misbehaved in her chamber and broke the cup, which was on the table in the room. On the basis of the complaint filed by respondent No. a charge sheet was issued to the applicant on 12.3.98 (Annexure-A-2). The charge sheet also mentioned that the applicant was pressuring the Headmistress to stop the prevailing system of punching of attendance by the teachers and had threatened that if the system is not discontinued, all the male teachers will not perform their duty. On the basis of complaint made by the Headmistress and after considering the reply of the applicant, minor punishment was given by the disciplinary authority.

3. The main ground taken by the applicant is that punishment has been meted out solely on the basis of complaint made by the Headmistress of the Primary School (respondent No. 4) and the request of the applicant to hold a court of enquiry was not acceded to. He has also stated that such summary proceedings are against rule 16 (1-A) of CCS(CCA) Rule, 1965.


4. The respondents on the other hand have mentioned in detail the action of the applicant in the chamber of the Headmistress. They have stated that the conduct of the applicant was unbecoming of Government servant.

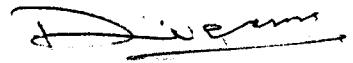
5. We have seen pleadings both the sides and heard the learned counsel for both the parties at some length. The charge is misconduct and misbehaviour in the chamber of the Headmistress and it is on the basis of the complaint of Headmistress that the action was taken against the applicant of minor penalty. For imposing of minor penalty, detailed enquiry is not necessary. The present punishment is not in category mentioned in Rule 16(1-A) of CCS (CCA) Rules as stated by the applicant. on the basis of the reply

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given by the applicant and considering the facts of the case summary proceedings in such case is ^{if permissible} possible and the respondents cannot be faulted. The punishment meted out as very minor and its would last for one year only. We do not ~~think~~ ^{find} ~~that~~ ^{if} any ground is ~~made out~~ necessitating interference from our side in the action taken against the applicant.

6, The OA is dismissed.


(Anand Kumar Bhatt)
Administrative Member


(D.C. Verma)
Vice Chairman(Judicial)

पृष्ठान्न सं जो/व्या.....जबलपुर, वि.....
SKM पतिलिपि अचोहित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) उपाध्यक्ष श्री/श्रीमती/शु.....से काउंसिल
- (3) अध्यक्ष श्री/श्रीमती/शु.....से काउंसिल
- (4) अध्यक्ष, संघ, जबलपुर व्यापारीक
संघ एवं आपसयक कार्यवाही हेतु

R. Pandharipada
B. de Silva - Accu

Received
22/9/03

29/9/03