

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

...

original Application No. 242/99

Jabalpur, this 20th day of January, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

Bhagwandass  
MS/234/S.No. 001779(Removed from service)  
R/O Vijaya Nagar Chhapar,  
Near Jalpari,  
Rampur, M.P.E.B., Jabalpur.

...Applicant

(By Advocate: None)

- versus -

1. Union of India through  
Secretary,  
Ministry of Defence (Production),  
South Block,  
New Delhi.
2. Director General/Chairman,  
Ordnance Factories Board,  
10-A Auckland Road,  
Calcutta.
3. General Manager,  
Ordnance Factory Khamaria,  
Jabalpur (M.P.).

...Respondents

(By Advocate: Shri Harshit Patel for Sh. S.C.Sharma)

ORDER (ORAL)

By M.P.Singh, Vice Chairman -

None is present on behalf of the applicant. Since it is an old matter of 1999, we dispose of this O.A. by invoking the provision of Rule 15 of C.A.T.(Procedure) Rules, 1987.

2. By filing this O.A. the applicant seeks the following reliefs:

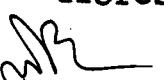
i) To quash the impugned order dated 9.10.1998 (Annexure A-4) and for reinstatement of the applicant with back wages.

ii) Cost of petition.

iii) Any other relief which the Hon'ble Tribunal deems fit be awarded.

3. Brief facts of the case are that the applicant was appointed as Male Sweeper in the Ordnance Factory, Khamaria, Jabalpur. While working as Male Sweeper, the applicant was issued with a chargesheet for absenting himself unauthorisedly from duty without prior sanction of leave and with <sup>out</sup> any intimation w.e.f. 19.11.1994. He resumed his duties on 10.2.1998 with medical certificates obtained from a Registered Medical Practitioner. As the above act of the unauthorised absence from duty on the part of the applicant was in contravention of CCS(~~Sex~~)<sup>Sh</sup>(Conduct) Rules, disciplinary proceedings were instituted against the applicant. An enquiry officer was appointed to investigate into the charges framed against the applicant. The enquiry officer concluded the enquiry and held <sup>the</sup> charges <sup>are</sup> proved. During the course of enquiry proceedings, the applicant appeared before the enquiry officer and had admitted the charges framed against him as per Annexure D-2.

4. On the basis of the findings of the enquiry report as well as admission of the charges by the applicant himself, the disciplinary authority imposed the penalty of removal from service on the applicant on 9.10.1998. Aggrieved by this, the applicant has filed this O.A. praying for the aforesaid reliefs.



5. Heard the learned counsel for the respondents and have carefully considered the rival contentions. We find that the applicant has remained absent unauthorisedly from duty that too without any intimation to the respondents for more than three years i.e. from 19.11.1994 to 17.2.1998. We also find from Annexures D-1 & D-2 that the applicant joined his duties only after publication of a news-item in the newspaper. The applicant has also admitted his guilt and categorically stated that he has failed to intimate about his unauthorised absence from duty. We further find that the respondents have followed the laid down procedure and have also given an opportunity of hearing to the applicant. Thus the principles of natural justice have been followed by the respondents. It is the settled position of law laid down by the Hon'ble Supreme Court that this Tribunal cannot re-appraise the evidence and also cannot go into the quantum of punishment.

6. Since the applicant has already admitted his guilt, we find no reason to interfere with the order passed by the respondents on 9.10.1998.

7. For the reasons recorded above, the O.A. fails and is accordingly dismissed with no order as to the costs.

  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

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