

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 248 of 2000

Jabalpur, this the 12th day of March, 2004

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

Indradeep, aged about 41
years, S/o. Shri SN Bahuguna,
Store Keeper (SK), Vehicle Factory,
Jabalpur, R/o. 2044-C-Type-I,
Sector-II, Vehicle Factory, Jabalpur
Estate, Jabalpur.

... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India,
Ministry of Defence,
Govt. of India,
New Delhi.

2. Director General/Chairman,
Ordnance Factory Board,
10-A, Khudi Ram Bose Marg,
Calcutta.

3. General Manager,
Vehicle Factory,
Jabalpur.

... Respondents

(By Advocate - Shri B. da. Silva through Shri Anand Singh)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has
sought the following main reliefs :

"(ii) Set aside the punishment order dated 26.5.1999
and appellate order dt. 11.1.2000.

(iii) direct the respondents to provide all conse-
quential benefits to the applicants as if the impugned
orders are never passed including difference of wages,
remaining salary minus subsistence allowance and all
other consequential benefits arising thereto."

2. The brief facts of the case are that the applicant was
working as Store Keeper (SK) under the respondent No. 3.
While working as such he was charge sheeted. An enquiry
Officer was appointed to hold the enquiry. The enquiry

officer concluded the enquiry and held the charges proved. The finding of the enquiry officer was sent to the applicant to submit his representation. The applicant has submitted his representation and while submitting his representation the applicant has raised number of issues. The disciplinary authority after taking into consideration the finding of the enquiry officer and the representation of the applicant has passed the order dated 26.5.1999 imposing the penalty of reduction in pay by one stage of the grade of Store Keeper i.e. from Rs. 3650/- + 25/- PP p.m. to Rs. 3575/- + 25/- PP in the time scale of pay of Rs. 3050-75-3950-80-4590/- with cumulative effect for a period of one year with effect from 26.5.1999. Thereafter he has filed an appeal challenging the order of the disciplinary authority. The appellate authority vide its order dated 11th January, 2000 has rejected the appeal of the applicant. Aggrieved by this the applicant has filed this Original Application claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the records carefully. We have also given careful consideration to the rival contentions made on behalf of the parties.

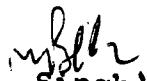
4. We find that since the applicant has raised number of issues in his representation before the disciplinary authority, as well as before the appellate authority, the disciplinary authority and the appellate authority ought to have considered/discussed these issues while imposing the penalty on the applicant. We also find from the orders dated 26th May, 1999 and 11th January, 2000, all the issues raised by the applicant have not been discussed by the disciplinary authority as well as by the appellate authority and they have passed ^{that} cryptic orders.

[Signature]

5. Accordingly, we quash the orders dated 26th May, 1999 and 11th January, 2002 passed by the disciplinary and appellate authorities respectively, and remit the case back to the disciplinary authority to consider all the issues raised by the applicant if consider necessary also give the applicant an opportunity of personal hearing. The disciplinary authority is also directed to pass a speaking, detailed and reasoned order within a period of four months from the date of receipt of copy of this order.

6. Original Application is allowed accordingly. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

S. Paul
B. dasgupta

26/02/2004

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