

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 270 of 1999

Jabalpur, this the 4th day of February, 2004.

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

D.S. Thakur S/o Ganga Pratap Singh,
Thakur, aged 49 years,
House No. II Mill Wright,
(Compulsory retired),
R/o House No. 881 Bai Ka
Bagicha Jabalpur

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India through
Director, Indian Ordnance
Factory Board, Calcutta.
2. General Manager,
Gun-carriage Factory,
Jabalpur.
3. Deputy General Manager,
Gun-Carriage Factory,
Jabalpur.

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R

By G. Shanthappa, Judicial Member :-

None is present on behalf of the applicant. This is an old matter of the year 1999, we are disposing of the same in the absence of counsel for the applicant, by invoking the provision of Rule 15 of the Central Administrative Tribunal (Procedure) Rules 1987, after perusing the available pleadings and hearing the learned counsel for the respondents.

2. The applicant has filed this OA seeking a direction to quash the order dated 24.2.98 and further direction to the respondents to pay the petitioner full pay during the suspension period.

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3. The brief facts of the case are that the applicant while working as High Skilled Grade II, ^{he} ~~he~~ was served a charge sheet dated 12.4.97. The two charges were levelled against the applicant i.e. (1) preparing the false factory order (2) To make forged signature of Deputy General Manager. The applicant has submitted reply to the said charges on 15.1.98, in which he has admitted the charges. On 24.2.98 the disciplinary authority has imposed the penalty of compulsory retirement on the applicant. The disciplinary authority has not considered the facts on record. Hence the impugned order is illegal and the same directed to be set aside. Against the said order the applicant preferred an appeal before the appellate authority, the appellate authority has also dismissed the appeal. The applicant has approached this Tribunal for quashing the order of the disciplinary authority. The applicant has not received any order from the appellate authority. Since the disciplinary authority has not considered the facts on record and imposed the punishment, the action of the respondents is illegal and impugned order is liable to be quashed.

3. Per contra the respondents have filed their reply denying the averments made against the respondents. The applicant has narrated ^{only skeleton} ~~only skeleton~~ to ^{to} ~~to~~ obtain the favourable orders. The specific averments made in the reply ^{are} ~~are~~ that the applicant had forged Factory order, a charge sheet was served on the applicant, an independent fact finding enquiry was conducted against the applicant, in which it was found that the applicant had himself prepared/fabricated the factory order, forging the signature of the then Deputy General Manager (Admin) and Labour Officer of Gun Carriage Factory, and submitted it to the Regional Director, purported to have been issued from Gun Carriage Factory. In the enquiry proceedings the applicant admitted the charge ~~that he prepared the above Factory Order~~ For the misconduct

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the applicant was issued a chargesheet under Rule 14 of the CCS(CCA) Rules, 1965. In his written statement to the chargesheet, the applicant admitted the charges levelled against him. The applicant also prayed in his reply dated 15.1.1998 that he should not be removed from service as he was the only earning member in his family. Since the charges were accepted by the applicant unconditionally and since they were of serious nature, he deserved the exemplary punishment of dismissal from service. However, the disciplinary authority, considering the fact that the applicant had rendered nearly 25 years of service and on taking a lenient view, imposed the penalty of compulsory retirement from service of the applicant.

5. The applicant preferred an appeal being aggrieved by the penalty order, the appellate authority has rejected the appeal on 4.6.1999. The applicant was served with the said order of the appellate authority. Hence, he has failed to prove his case, the same is liable to be dismissed.

6. Heard the learned counsel for the parties and perused the record.

7. Since the applicant has admitted the charge in his written statement, the disciplinary authority has considered all facts of the case and passed a considered and reasoned order. The applicant had admitted the charge before the enquiry officer and also he has submitted the same in the written statement. On the basis of the said admission, the disciplinary authority has passed the reasoned and considered order by imposing the penalty of compulsory retirement from the service on the applicant. While passing the order, the disciplinary authority has considered the charge is gross misconduct, the offence committed by the applicant which was grave in nature, the integrity of the

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was lack of devotion to the duty and also conduct unbecoming the Government Servant in violation of Rules 3(1)(i), 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rules, 1964. The disciplinary authority has exercised its power by imposing the penalty for compulsory retirement from service of the applicant. Hence, we do not find any illegality, irregularity and lack of jurisdiction while passing the impugned order dated 24.2.98.

8. The applicant has suppressed the facts that the appellate authority has not passed the order on the basis of the appeal dated 11.5.98. The respondents have stated that the appellate authority has passed the order on 4.6.99 and the same was communicated to the applicant. Since the applicant has suppressed the material facts and he has admitted the charge, there is no illegality or irregularity and there ~~is no~~ principle of natural justice ^{have been} followed by the respondents. *ep.*

9. We are of the considered view that the respondents have not violated the principle of natural justice while exercising their powers. Hence, the applicant has not made out his case for grant of relief as prayed in OA. Accordingly, the application is devoid on merits. The same is dismissed. No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

Final
11/2/04

कृतकन सं ओ/व्या.....जबलपुर, दि.....

प्रतिनिधिके काउंसल

(1) सचिव, न्यायिक सेवा, जबलपुर

(2) आदेशिका/सचिव/.....के काउंसल

(3) प्रत्यक्षी, सचिव/.....के काउंसल

(4) गंयमान, सचिव, जबलपुर न्यायिक

सूचना एवं आवश्यक कार्यकारी हेतु

SKM

Baymudur
उप रजिस्ट्रार 11/2/04

Vipin Yadav
SA Dharmadhikari