

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

O.A.No.290/1999

Hon'ble Sh. M.P.Singh, Vice Chairman
Hon'ble Sh. G.Shanthappa, Member (J)

Jabalpur, this the 17th day of November, 2003

Vishnu Prasad Malviya
s/o Babulal Malviya
designation - orderly
T.No.011469

Section: E.O., Ordnance Factory
Itarsi.

r/o Type-2, Type-B

Near Shiv Mandir, Ordnance Factory Quarter
Itarsi, Distt. Hoshangabad.

.. Applicant

(By Advocate: None)

Versus

1. The Union of India
through The Secretary
Defence Department
New Delhi.
2. The Secretary
Ordnance Factory Board
Sec-A/Vigilance
10-A, S.K.Bose Road
Calcutta.
3. The General Manager
Ordnance Factory
Itarsi (MP).
4. The D.G.M.(Admn.)
Ordnance Factory, Itarsi(MP).. Respondents

(By Advocate: Sh . S.A.Dharmadhikari)

O R D E R (Oral)

By Sh. M.P.Singh, Vice Chairman:

None appeared for the applicant even on second call. Heard the learned counsel for the respondents. We have decided to dispose of this matter in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987 as this matter pertains to the year 1999.

Contd.....2/-

2. The applicant, who is working as orderly in the Ordnance Factory, Itarsi, has filed the present OA seeking direction to quash the impugned order dated 16.11.1998 (Annexure A-11) passed by the disciplinary authority.

3. The brief facts of the case are that the applicant was issued a charge-sheet dated 14.9.1998 on the following charges:

- (i) Abusing DMO on duty.
- (ii) Abusing Hospital Staff on duty by using vulgar language.
- (iii) Creating nuisance in OFI Hospital, and
- (iv) Conduct unbecoming of a Govt. servant.

4. An inquiry was held against the applicant under Rule 16 of the Central Civil Services (CCA) Rules, 1965. The disciplinary authority, thereafter imposed the following penalty against the applicant vide impugned order dated 16.11.1998:

"..... reduction in pay to the minimum of the scale of the grade of Orderly from Rs.2900/- to Rs.2550/- P.M. in the time scale of pay of Rs.2550-55-2660-60-3200/- without cumulative effect for a period of one year with effect from 16.11.1998 on Shri Vishnu Prasad, orderly, Engg. Office Ordnance Factory, Itarsi. Further, it is ordered that the said Shri Vishnu Prasad will not earn increment during the penalty period. After the penalty period is over his pay will be restored to the point of pay scale which the individual would have reached but for the penalty and his future increment will be regularised accordingly."

5. The applicant has filed an appeal against the order of the disciplinary authority which has been rejected by the appellate authority vide its order dated 28.5.1999. Hence, the applicant has filed the present OA claiming the aforesaid reliefs.

Contd....3/-

6. Heard the learned counsel for the respondents. The learned counsel for the respondents has submitted that the inquiry has been conducted in accordance with the rules and procedure prescribed under Rule 16 of the CCS (CCA) Rules, 1965. He also submitted that the disciplinary authority has applied its mind before imposing the penalty of reducing his pay from Rs.2900/- to Rs.2550/- per month and appellate authority has also after taking into consideration all the issues raised by the applicant in his appeal passed its order dated 28.5.1999.

7. We have ^{heard} ~~heard~~ the learned counsel for the respondents ^{and} ~~and~~ perused the material/pleadings available on record. Prima-facie, we find that the order^s passed by the disciplinary authority is criptic as he has not assigned the detailed reasons, ~~the~~ impugned order is, therefore, liable to be quashed and set-aside.

8. In the result, we dispose of the case finally, and we quash~~ed~~ and set-aside the impugned order of the disciplinary authority dated 16.11.1998. ^{been} once the order of the disciplinary authority has ~~set-aside~~, the order of the appellate authority will also go. The case is remanded back to the disciplinary authority with direction to pass a speaking and detailed order within a period of three months from the date of receipt of a copy of this order. The OA stands disposed of accordingly. No costs.

- प्रकाशित सं. नं./त. जलपुर, दि.
पु.सं.
- (1) सचिव, जलपुर, दि.
(2) सचिव, जलपुर, दि.
(3) सचिव, जलपुर, दि.
(4) सचिव, जलपुर, दि.

AK Tiwari, Asst.
SA Dharmanil Kumar

M. P. Singh
21.11.03

G. Shanthappa
(G.SHANTHAPPA)
Judicial Member

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

Handwritten
21.11.03