

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

....

Original Application No. 25/2000

Jabalpur, this the 8th day of April, 2004

Hon'ble Shri M.P.Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

Punjab Rao, Shesh Rao, Bansod,
S/o Shri Shesh Rao Bansod,
Aged 49 years,
Assistant Supervisor (Class III)
at Military Farm,
Jabalpur (MP).

...Applicant

(By Advocate: None)

-versus-

1. Union of India through
Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Deputy Director General,
Military Farms,
New Delhi.
3. Officer Incharge,
Military Farm,
Bangalore (Karnataka).
4. Officer Incharge,
Military Farm,
Jabalpur (MP).

...Respondents

(By Advocate: Shri S.A.Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member:

By filing this O.A. the applicant has prayed
for the following reliefs:

- (a) to waive punishment awarded blindly with guilty mind and promote the applicant from the date of passing his promotion course 1989.
- (b) to issue any other directions, orders, as deemed fit for malice by respondents.
- (c) to award cost of defamation, demoralization and expenses caused the applicant.



2. The brief facts of the case are that the DDGMF, AHU, New Delhi vide order dated 12.10.1998 punished the applicant after nine years with penalty of Rs. 3525/- and Censure on the following charges:

- i) Loss caused to the State by discrepancy of 50 MT Hay.
- ii) Failure to properly maintain the stack & Silo Register.
- iii) Negligence for loss of stack & Silo Register.

2.1 The officer Incharge Military Farm, Bangalore had posted the applicant as Temp. Incharge Stackyard Section for 2½ months w.e.f. 18.8.1990 to 7.11.1990 when P t. Incharge Shri Gaurishankar Mehta admitted in hospital who all the hay being already received, weighed, stacked and thatched in intact stacks was responsible for contents/quantities under Military Farms standing orders. The applicant neither purchased nor sold any hay but only issued to local cattle yards/units as per their demand/store issue orders passed/signed by OIC and charged in issue Register, Hay issued during 18.8.1990 to 8.11.1990 was 360855 kgs. passed by OIC. The applicant handed over the charge correctly on 8.11.1990 to the Supervisor Shri Harinder Singh Grewal who satisfied with all the books posted properly upto date and remaining hay balances. There found no shortage of hay nor any loss caused to the State. In case of any shortage or discrepancy or mathematical mistake it must have affected the physical correct balances of hay and reflected in the Handing/Taking over certificate, ODB and FSR, even the procedure had to be followed.

2.2 Even the Auditors did not find any mathematical mistake in any book nor detected such discrepancy of exacts 50 MTs of hay. Even the officer Incharge had never measured/counted any stacks/bales nor issued any letter to the applicant for shortage/discrepancy of hay or improper/incomplete of any book.

2.3 The O.I.C. of Bangalore, after the applicant handed over charge correctly, had posted him out on temporary duties




to Military Farm Toranagallu and Military Farm Agram w.e.f. 11.11.1990 to 17.6.1992 vide movement order dated 5.11.1990. The applicant thus did not work at M.F. Bangalore w.e.f. 11.11.1990 to 17-6-1992 nor said Shri H.S.Grewal had given any stack & Silo Register in the custody of the main office to the applicant. ~~In fact~~ there was raid at Military Farm Bangalore on 25.9.1990 for corruption by OIC. After the police arrested Incharge Dairy, the OIC to save himself from CBI Check of unaccounted, short, unfit baled hay 70848 kgs. rejected by Supply Depot, Willington vide order dated 4.8.1990 and fed to the farm animals, had put irrelevant remark back dated 18.9.1990 for intact stack, stacked by Sh. Gaurishankar on page 66 of stack & Silo Register in the custody of main office stating as discrepancy of 50 MT of hay due to over issue to cattle yards and incomplete books that to be reconciled on the completion of books which the OIC, MF, Bangalore. Thus all the charges levelled against the applicant are false and malicious.

3. Since this is an old matter pertaining to the year 2000 and none is present on behalf of the applicant, we propose to dispose of the O.A. by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. We have heard the learned counsel for the respondents.

4. Learned counsel for the respondents argued that after having proved the charges levelled against the applicant he was imposed with a minor penalty of CENSURE and a sum of Rs. 3525/- being 5% of the amount of loss caused to the State due to negligence has also been awarded to be recovered from him. The aforesaid penalty was imposed on the applicant vide order dated 12.10.1998.

5. After hearing the learned counsel for the respondents and perusing the record, it reveals that the applicant was chargesheeted on 5.11.1996 against which he submitted his representation on 27.11.1996. The said representation of the applicant was considered by the competent authority



who passed the impugned order dated 12.10.1998 imposing the minor penalty of CENSURE on the applicant and a sum of Rs. 3525/- being 5% of the amount of loss caused to the State due to negligence had also been ordered to be recovered from the applicant. We find that before imposing the above minor penalty, the applicant was given opportunity to defend his case. The applicant had filed his representation against the charges which was considered by the competent authority. We also find that the impugned order is a reasoned order.

6. In view of the above, we find that the O.A. is without merit and deserves to be dismissed. Accordingly, the same is dismissed. No costs.

(Madan Mohan)
Member (J)

(M.P.Singh)
Vice Chairman

/na/

पूठांकन सं ओ/न्या.....जबलपुर, दि.....
प्रतिनिधि अर्पित:-

- (1) राज्य न्यायालय कार एगोरिस्टा, जबलपुर
- (2) अवेकरी श्री/श्री/श्री/श्री.....के कारंसेल PP Ambedkar
- (3) प्रत्यक्ष श्री/श्रीमती/श्री.....के कारंसेल SA Dharmachikani
- (4) जयपाल, सेपा.अ. जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

उप निदेश

7/8/98
15-4-04