

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH  
JABALPUR

Original Application No.643/1998

Jabalpur, this the 17th day of December, 2003

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

S.F.Datta  
s/o Late K.C.Datta  
aged 49 years, Occupation Service as  
Supervisor (Store/Non Technical)  
NIE/6985/Section: Store(SKD)  
Vehicle Factory Jabalpur, r/o  
House No.128, Chandan Colony, Ranjhi  
PO: Khamaria, Jabalpur, M.P. ... Applicant

(By Advocate: Shri K. Datta)

Versus

1. Union of India through the  
Chairman, Ordnance Factory Board  
10/A, Kshudiram Bose Road  
Calcutta, W.B.
2. The General Manager  
Vehicle Factory Jabalpur  
Jabalpur, M.P. Respondents

(By Advocate: Sh. B. da. Silva through Sh. S.Akthar)

O R D E R (Oral)

By G. Shanthappa, Judicial Member -

The said Original Application is filed seeking the relief to quash the penalty order dated 12.02.1997 (Annexure A-1), as the procedure adopted in the case is bad in law.

2. The case of the applicant in brief are that he was served with a charge sheet for dereliction of his duty, resulting in non-recovery of LWF loan from the borrowers. The applicant submitted his explanation to the said charge sheet. Subsequently the disciplinary authority has passed the order dated 12.02.1997, imposing penalty of withholding of one increment when next due, for a period of one year without cumulative effect. The case of the applicant is that the disciplinary authority has not considered the explanations submitted by him.



3. Being aggrieved by the said order of the disciplinary authority the applicant has preferred an appeal before the appellate authority and the appellate authority has dismissed the appeal by confirming the order of the disciplinary authority vide its order dated 23.02.1998 (Annexure A-2).

4. The case of the applicant is that the respondents have not considered the case of the applicant and they have passed a non-speaking order. Accordingly, the impugned orders are illegal and are liable to be quashed.

5. The respondents have filed their reply contending that since the disciplinary authority has considered the case of the applicant, passed a reasoned order and the appellate authority has also passed a reasoned and considered order on the basis of the objections submitted by the applicant. The respondents have supported the impugned orders and also the action of the authorities.

6. After hearing the learned counsel for the applicant and the respondents and also on perusal of the records and the pleadings, we decide the said case finally.

7. After perusal of the impugned order at Annexure A-1 dated 12.02.1997, we find that the disciplinary authority has not considered the objections to the charge submitted by the applicant. No reasons are assigned in the impugned order while coming to the conclusion that the charges are proved. Accordingly, the impugned order is not sustainable in the eye of law. Hence the said

*gs*

  
(G. Shanthappa)  
Judicial Member

(M.P. Singh)  
Vice Chairman

"SA"

पृष्ठांकन सं २५/११७ ..... जलपुर, दि.....

- (1) सविनय से प्रार्थना की जायेगी कि प्रत्येक विद्यार्थी को अपने कक्षा के शिक्षक के निर्देशों का पालन करना होगा।
  - (2) छात्रों को अपने कक्षा के शिक्षक के निर्देशों का पालन करना होगा।
  - (3) छात्रों को अपने कक्षा के शिक्षक के निर्देशों का पालन करना होगा।
  - (4) छात्रों को अपने कक्षा के शिक्षक के निर्देशों का पालन करना होगा।
- सूचना के लिए छात्रों को अपने कक्षा के शिक्षक के निर्देशों का पालन करना होगा।

K. Datta, Ach.  
B. Lalit, Adm.

*By* Byrne  
27/12/03

Final  
on  
22/12.03