

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 744 of 2000

Jabalpur, this the 23rd day of March, 2004

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

Bahadur Singh, S/o. Shri
Chandra Bhan Singh, Aged about
41 years, Ex.DBW (Semi-skilled),
T.No. F-5/24/60691, Ordnance
Factory, C/o. Jeevan Lal Yadav,
Kamaria, JBP. Malguzar, In front of
Roopali Hotel, Karondi, Ranjhi,
Jabalpur (M.P.).

... Applicant

(By Advocate - Shri P. Chaturvedi)

V e r s u s

1. Union of India,
Through : The Ministry of
Defence (Production), Govt. of
India, New Delhi.
2. The Director General of Ordnance
Factory, 10-A, Auckland Road,
Calcutta.
3. The General Manager,
Ordnance Factory, Khamaria,
Jabalpur.

... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

"i) to quash the order dated 10th July 2000,
Annexure A-6,


ii) to initiate contempt proceeding against the
respondents."

2. The brief facts of the case are that the applicant was
working as Labourer in Ordnance Factory, Khamaria. While
working as such, he was issued a charge sheet and discipli-
nary proceedings were initiated against him and he has been
removed from service. The applicant has challenged the order

of removal by filing OA No. 230 of 1995, which was decided by this Tribunal vide order dated 10th May, 2000. The Tribunal has decided the case on merit and has come to the definite finding that the punishment imposed on the applicant is dis-proportionate and it hits the judicial conscience. The Tribunal had directed the applicant to prefer an appeal to the appellate authority, and the appellate authority ^{directed to} was, consider the matter sympathetically and pass appropriate order relating to quantum of punishment. It is therefore quite clear that the Tribunal had come to the definite finding that the punishment imposed on the applicant is quite harsh and it shocks the conscience of the Tribunal. Hence the Tribunal directed the appellate authority to consider the matter and if the punishment is modified, he be taken back in service and the respondents shall be at liberty to treat the period from the date the applicant was removed till the date of his reinstatement, as period not spent on duty and they shall also be at liberty not to disburse the pay and allowances during the said period. The appellate authority has not passed the order in accordance with the directions.

3. Heard the learned counsel for the parties and perused the records.

4. We find that as the appellate authority has imposed the penalty of removal from service on the applicant and has not acted in accordance with the direction given by the Tribunal on 10th May, 2000 in the aforesaid OA. The order passed by the appellate authority dated 10th July, 2000 (Annexure A-6) is quashed and set aside. The respondents are directed to ^{the applicant} impose any penalty ~~on~~ other than the order of removal, dismissal and compulsory retirement.



5. Accordingly, the Original Application is allowed.
No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठंकन सं ७०/न्या. जयपुर, दि.

(1) ... जयपुर

(2) ... जयपुर

(3) ... जयपुर

(4) ... जयपुर

...

P. Chaturvedi

P. Shankar

...
... 1/3/84

"SA"

Issued
...
...