

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 771 of 1999

Jabalpur, this the 9th day of February, 2004

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

Gendalal Kol son of Kunjilal
Kol, aged about 55 years, Resident
of H.No. 4300 Purvi Ghamapur, Jabalpur

APPLICANT

(By Advocate - Shri Dharmendra Sharma)

VERSUS

1. Union of India through its Secretary
Ministry of Defence, New Delhi.
2. Commander, Base WKSp Group, Meerut Can
3. Commandant, 506 Army Base WKSp,
Jabalpur.
4. Dy Director General (E.M.E.) Army
Head Office, New Delhi.

RESPONDENTS

(By Advocate - Shri P. Shankaran)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought a direction to quash the order dated 25.9.98 (Annexure-A-1) and 6.7.99 (Annexure-A-2) and the respondents be directed to give all consequential benefits to the applicant. and to further direct the respondents to return the amount whatever recovered from the applicant.

2. The brief facts of the case are that the applicant is working as Store Keeper under respondent No. 3. While ~~being~~ working as Store Keeper, certain items of store were stolen and carried ^{away} from the factory gate. Therefore, a charge sheet was issued to the applicant under Rule 14 of the CCS(CCA) Rules 1965. Thereafter an enquiry officer was appointed to investigate the charges levelled against him.

nr

The delinquent official was given ample opportunity to defend himself. The individual participated in the enquiry from beginning to end. He was asked to give particulars of his defence assistant. He declined to nominate any Govt. servant as his defence assistant. The finding of the enquiry officer was sent to the applicant to submit his representation. The disciplinary authority, after considering the representation and also the enquiry report, has imposed the penalty of reduction of his pay by one stage from Rs. 4030/- to Rs. 3950 in a time scale of pay of Rs. 3050-75-3950-80-4590 for a period of two years w.e.f. 25.9.98 without cumulative effect. The disciplinary authority has also imposed the penalty on the applicant that "out of ^{50% L} loss of stores amounting to Rs. 2874/- 40 percent amounting to Rs. 2587/- be recovered in installment @ Rs. 250/- per month" from the applicant. The learned counsel for the respondents states that the recovery of Rs. 2587/- has been further reduced vide order dated 8.7.02, a copy of which has been shown to us for perusal (Although not filed).

3. Heard the learned counsel for the parties.


4. The learned counsel for the applicant has submitted that the applicant was not only responsible for the loss of Govt Store, but his next superior Store Superintendent was also equally responsible. According to the learned counsel for the applicant, the said superintendent has not been given any punishment. He has further submitted that the penalty imposed on the applicant is harsh. On the other hand the learned counsel for the respondents stated that the Store Superintendent, who was senior officer also proceeded against for an offence of gross misconduct which resulted in a loss of Govt. store. He was also been imposed the minor penalty.


Therefore, the contention of the applicant that the

the superior officer, who was equally responsible for loss of Govt. Store, was not proceeded against, is not tenable.

5. We have considered the rival contentions of the parties and we find that a charge sheet under Rule 14 of the CCS(CCA) Rules 1965^{was} issued against the applicant. The disciplinary authority imposed the minor penalty on the applicant, after the ~~charges~~^{charges} ~~were~~ⁱⁿ proved against the applicant. The respondents have conducted the enquiry as per laid down procedure and rules. Now it is well settled position of law, the Tribunal cannot reappraise the evidence and also cannot go into the quantum of punishment unless it shocks the conscious. Since the respondents have given an opportunity and also sent findings of the enquiry report to the applicant to make representation, thus the respondents have given opportunity of hearing to the applicant and therefore, the principle of natural justice have not been violated.

6. With the above observation. The OA is dismissed with no order as to costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

SKM

Handwritten:
20/2/04

पृष्ठान्न सं ओ/न्या.....जयलपुर, दि.....
यतिनिधि
(1) सचिव, जयलपुर
(2) अध्यक्ष
(3)
(4)
.....

Handwritten:
D. Shrivastava
P. Shankar

Handwritten:
20/2/04