

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR.  
...

Original Application No. 815 of 1999  
this the 25th day of February 2003.

HON'BLE MR. R.K. UPADHYAYA, MEMBER(A)  
HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

M.Y. Khan, S/o late Aminuddin Khan, aged about 53 years, R/o  
Ahmed Nagar, Katra Adhartal, Jabalpur.  
Applicant.

By Advocate : Sri A.P. Singh.

Versus.

1. Union of India through Director, Ordnance Factory  
Board, 10-A Auckland Road, Calcutta.
2. Dy. Director, Vigilance, Ordnance Factory Board,  
Calcutta.
3. General Manager, Ordnance Factory Khamaria, Jabalpur.

Respondents.

By Advocate : Sri P. Shankaran.

ORDER (ORAL)

BY MRS. MEERA CHHIBBER, MEMBER(J)

By this O.A., applicant has challenged the order  
dated 23.9.1997 and has sought a direction to the respondents  
to give all consequential benefits to the applicant.

2. It is submitted by the applicant that earlier the  
the respondents had passed the penalty order dated 28.5.1993,  
which was challenged by the applicant in O.A. no. 113 of 1994  
The said O.A. was finally decided by judgment dated 2.7.1997  
with the direction to the appellate authority to decide  
the quantum of punishment awarded to the applicant vis-a-vis  
Sri Nem Singh, but in spite of it, Sri Nem Singh was not given  
any penalty, but the applicant has still been given the

punishment with a malafide intention as he was a Union leader. He has, thus, submitted that this order is liable to be quashed on the ground that it is in violation of the directions given by the Tribunal and suffers from discrimination. He has thus, prayed the relief as mentioned above.

3. The respondents filed their reply and have stated categorically that in compliance of the directions given by the Tribunal, the applicant had been given the same punishment as was awarded to Sri Nem Singh, therefore, he cannot re-agitate the matter as there was a specific direction of the Tribunal to consider the quantum of punishment vis-a-vis Sri Nem Singh. <sup>Q only B</sup> They have also annexed the order dated 25.11.1993 to show that Sri Nem Singh had <sup>B also</sup> ~~already~~ been given the penalty of reduction of pay by two stages for a period of two years with cumulative effect <sup>which B</sup> ~~was~~ moderated to that of reduction of pay by one stage for a period of three months without cumulative effect. This position is not rebutted by the applicant at all. Therefore, we are satisfied that the order passed by the respondents is in accordance with the directions given by the Tribunal in the applicant's earlier O.A. and it cannot be said <sup>Q that there is B</sup> ~~to be~~ any illegality in the orders passed by the respondents. Perusal of the order passed in the case of Sri Nem Singh shows that he was also given the same penalty as <sup>been B</sup> ~~was~~ given to the applicant herein. Since the counsel for the applicant has argued only this point and we find no merit in the case, the O.A. is dismissed with no order as to costs.

  
(Mrs. Meera Chhibber)  
Member (J)

  
(R.K. Upadhyaya)  
Member (A)

GIRISH/-

Issued  
on 5.3.03  
BS

पुस्तक सं. ३०५५

क. वि. सं. ३०५५

दि. ....

A. P. Singh. Adl.

P. Shankaradas.

Thiruvananthapuram

4/3/03