

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00094/2017

DATED THIS THE 6TH DAY OF NOVEMBER 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Nikunj J.Thakar,
S/o Jayandrabhai Thakar,
Aged about 36 years,
R/a Vyas Mohalla,
Near Soni Vada,
City Mehansana,
Gujarat 384001

....Applicant

(By Advocate Sunil S.Choudhari)

vs.

1.Union of India,
Reptd. By its Secretary,
Ministry of Defence,
South Block, New Delhi – 110 001.

2.Director of Civilian Personnel,
Naval Head Quarters,
Sena Bhavan, New Delhi-110 110.

3.The Flag Officer
Commanding in Chief,
(For Chief Staff Officer P&A),
Head Quarters,
Western Naval Command,
SBS Road, Mumbai-400 023.

4.The Flag Officer
Commanding in Chief,
(For Command Civilian Personnel Officer),
Head Quarters,
Western Naval Command,
SBS Road, Mumbai-400 023.

5.The Flag Officer Commending,
(For Staff Officer, (Civilian)),
Head Quarters,

Karnataka Naval Area,
Naval Base,Karwar-581 308.

...Respondents.

(By Shri M.V.Rao, Sr. Panel Counsel)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The issue is in a very small compass. The charge against the applicant is that even though he is supposed to have 3 years experience he had only 2 years 1 month and 14 days experience. Since this matter has been specifically illuminated in the reply, specifically we had asked learned counsel for the applicant as these facts in the rejoinder has traversed these facts contradictory. With his help we had gone through the rejoinder. We find it a vague expression and nothing more. Nowhere in the rejoinder he had claimed that he had the required 3 years experience. Besides what he has done he had attempted to mask the issue and nothing more. Therefore, we asked him once again. Learned counsel would say that he had the experience from 27.3.2002 for 3 months at one place and from 3.3.2003 to 14.6.2005 experience in another place. How he can combine these 2 experiences it is beyond belief. We find there is a lot of suppression of facts. There is no merit in the OA. OA is dismissed. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

bk.

(DR. K.B. SURESH)
MEMBER(J)

Annexures referred to by the applicant in OA No. 170/00094/2017

Annexure-A1: Copy of Notification for the recruitment to the post of Fire Supervisor dated 29.3.2008 – Employment news.

Annexure-A2: Copy of forwarding of the name of the applicant for the post of Fire Supervisor (Station Officer) dated 8.5.2008 along with typed copy.

Annexure-A3: Copy of call letter dated 31.7.2008.

Annexure-A4: Copy of the appointment letter of the applicant dated 19.5.2009. along with typed copy.

Annexure-A5: Copy of re-designation of post of Fire Supervisor as Station Officer dated 4.6.2009 along with typed copy.

Annexure-A6: Copies of work experience certificates of applicant along with marks cards and other certificates.

Annexure-A7: Copy of the appointment letter of the applicant post for the post of Fireman Grade-II in INS Kadamba Karwar dated 31.1.2006 along with typed copy.

Annexure A8: Copy of Technical Resignation of the applicant to the post of Fireman Grade-II dated 3.6.2009 along with typed copy.

Annexure A9: Copy of 61 Fireman of the naval base has made a complaint on 12.6.12 to the 3rd respondent

Annexure A10: Copy of preliminary investigation report dated 23.7.2012

Annexure A11: Copy of memorandum charge dated 16.5.2013

Annexure A12: Copy of the reply to charge memorandum

Annexure-A13: Copy of the appointment of the Inquiry Authority on 25.6.2013.

Annexure-A14: Copy of the appointment of the Presenting Officer on 25.6.2013.

Annexure-A15: Copy of Presenting Officer brief submitted on 31.10.2013.

Annexure-A16: Copy of the report of the inquiry submitted on 24.12.2013 along with SRO.

Annexure-A17: Copy of the receipt of the inquiry report by applicant on 17.1.2014.

Annexure-A18: Copy of request by applicant to forward outcome of BOI

Annexure-A19: Copy of the RTI by applicant requesting the status of BOI.

Annexure-A20: Copy of changed inquiry report.

Annexure-A21: Copy of letter dated 17.11.2014 asking applicant to submit defence or objections to Inquiry report.

Annexure-A22: Copy of defence or objection submitted by applicant dated 26.11.2014

Annexure-A23: Copy of impugned order dated 9.3.2015, passed by respondent-2 imposing penalty of removal from service on the applicant

Annexure-A24: Copy of final order in OA.330/2015 dated 29.1.2016 by the Bangalore Bench

Annexure-A25: Copy of appeal memo filed by the applicant with respondent no.3 on 12.2.2016.

Annexure-A26: Copy of the order passed in CP.93/2016 dated 26.10.2016 by the Bangalore Bench

Annexure-A27: Copy of impugned order passed by respondent-3 in appeal No.CS/V/APP/NJT/02/2016 dated 4.10.2016

Annexures referred to by the respondents in the Reply.

Annexure R-1: Copy of certificate given by National Fire Academy, Vadodara dated 15.2.2002 to the applicant.

Annexure R-2: Copy of certificate given by All India Institute of Local Self-Government, Mumbai dated 3.5.2002 to the applicant.

Annexure R-3: Copy of certificate given by Industrial Guards services Pvt. Ltd., Baroda dated 3.1.2003 to the applicant.