

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE
ORIGINAL APPLICATION NO.170/00645/2019**

**DATED THIS THE 05th DAY OF MARCH, 2020
HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER
HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER**

S.Murugeswari
W/o Prof. A.Somasundaram
Aged 56 years
Working as Officer Surveyor
Karnataka Geo-Spatial Data Centre (KGDC)
Koramangala II Block, Sarjapur Road
Bengaluru-560 034, residing at No.M 5
Survey of India Staff Quarters
Koramangala II Block
Sarjapur Road
Bengaluru-560 034.

....Applicant

(By Advocate Sri A.R.Holla)

Vs.

1. Union of India
By Secretary
Department of Science and Technology
Technology Bhavan
New Mehrauli Road
New Delhi-110 016.
2. The Surveyor General of India
Hathibarkala Estate, P.O.Box No.37
Dehradun-248 001.
3. The Director
Karnataka Geo-Spatial Data Centre (KGDC)
Koramangala II Block
Sarjapur Road
Bengaluru-560 034.

...Respondents

(By Advocate Sri M.Vasudeva Rao, Sr.PC for CG)

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

The issue in this case relates to the impugned order at Annexure-A12 wherein the final order dtd.6.3.2018 has been issued on the charge memorandum issued under Rule-14 of the CCS(CCA) Rules 1965 against the applicant. Out of 8 charges, the first 2 were held to be not proved and balance 6 were held to be proved. The applicant was originally punished by withholding of next increment of pay for a period of two years with cumulative effect. On appeal this was modified as withholding of increment for a period of three years without cumulative effect. On being challenged vide OA.No.640/2013 before Ernakulam Bench of this Tribunal and getting a favourable order in terms of providing further opportunities to defend herself and commencing the proceedings afresh from the stage of cross-examination of the prosecution witnesses, further proceedings were continued and finally she has been punished with a minor penalty of censure. The present OA is filed against this order of censure. On going through the proceedings, it is apparent that all the opportunities necessary to be given for a Govt. servant have been given to her and the enquiry officer and the disciplinary authority have gone through the process in a meticulous manner despite the fact that the applicant made allegations against the enquiry officer and also against other superior officers even during the conduct of the inquiry. From a perusal of the charges that have been proved, it appears that the applicant had wilfully avoided taking up work including simple things as keeping the office open for completion of certain urgent budget related work. She appears to be in the habit of sending representations to the higher authorities directly apparently without any documentary evidence in support of such allegations. In fact, in respect of one of the charges where she was asked for 100% physical verification, the respondents had come to the conclusion that she did not take any interest

towards the assigned work for two weeks and subsequently applied for earned leave/CC Leave for a long period of 150 days ignoring the legitimate order of the superior authorities. The respondents have also pointed that she was given full liberty to examine the prosecution witnesses during the course of enquiry. It is apparent that due process has been followed in ordering the punishment which cannot be under any circumstances considered to be very excessive or disproportionate. The respondent organisation has its own responsibility in maintaining the discipline in the office and therefore, we find no merit in the OA and the same is dismissed. No costs.

(C.V.SANKAR)
MEMBER (A)

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

/ps/

Annexures referred to by the applicant in OA.No.170/00645/2019

Annexure-A1: Memo dtd.4.10.2010
Annexure-A2: Representation dtd.27.10.2010
Annexure-A3: Inquiry report dtd.25.7.2011
Annexure-A4: Representation dtd.8.9.2011
Annexure-A5: Order dtd.3.11.2011
Annexure-A6: Appeal dtd.22.12.2011
Annexure-A7: Order dtd.23.8.2012

Annexure-A8: Order dtd.7.4.2016 in OA.640/2013

Annexure-A9: Order dtd.30.8.2016 in OP(CAT) No.234/2016(Z)

Annexure-A10: Inquiry report dtd.14.7.2017

Annexure-A11: Representation dtd.10.1.2018

Annexure-A12: Order dtd.6.3.2018

Annexure-A13: Appeal dtd.23.4.2018

Annexures with MA.349/2019 of the applicant:

Annexure-A14: Order dtd.6.6.2019 of R1

Annexures with reply statement:

-NIL-
