

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated Tuesday the 2nd day of June Two Thousand And Twenty

PRESENT:

THE HON'BLE MR. P. MADHAVAN, MEMBER(J)

THE HON'BLE MR. T. JACOB, MEMBER(A)

O.A.310/852/2014

G. Ganesan,
S/o. P. Ganapathy,
Aged 39 years,
Working as Welder HS-II,
Heavy Vehicles Factory,
Avadi, Chennai-600 054.

.....Applicant

(By Advocate: M/s. Menon, Karthik, Mukundan and Neelakantan)

Vs

1. Union of India Rep. By
The General Manager,
Heavy Vehicles Factory,
Avadi, Chennai-600 054;
2. The Additional Director,
Ordnance Factory Board,
Armoured Vehicles Headquarters,
Avadi, Chennai-600 054.

.Respondents.

(By Advocate: Mr. K. Rajendran)

ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

This is an application filed for seeking the following reliefs:

"To set aside Order No. 405/DS/2012/29 dated 16.08.2013 issued by the 1st respondent imposing a penalty of reduction of pay by one stage from Rs. 9390/-+GP Rs.2400/- to Rs. 9040/- with GP Rs.2400/- and Order 668/Appeal/AVHQ/HVF GG dated 21.02.2014 issued by 2nd Respondent rejecting the appeal."

2. The applicant's case in brief is as follows:

The applicant is working as welder- Highly skilled II in the first respondent factory. The applicant and 3 others were issued a Charge Memo under the Rule 16 of the Central Civil Services(Classification,Control and Appeal) Rules, 1965 alleging that the applicant and the other 3 were found playing cards during duty hours and hence liable for the lack of devotion to duty and dereliction of duty.

3. The applicant denied the charges. It was decided to conduct a detailed inquiry in accordance with Rule 14 of the CCS(CCA)Rules. Hence a detailed charge memo was served on him on 20-7-2012 with statement of imputations. An enquiry officer was appointed.

The other 3 employees were also proceeded. The other 3 employees had admitted the guilt and further inquiry was not conducted against them. They were imposed "**Censure**" by Respondent No.1 on 9-1-2013. The inquiry against the applicant was continued. Witnesses were examined and cross-examined. The applicant did not adduce any evidence on his side. The I.O had submitted his report on 4-5-2013 holding that charges are proved. The applicant filed a detailed statement of defence. The disciplinary authority passed an order imposing punishment of reduction of pay by one stage from Rs.9300 to 9040 with grade pay of Rs.2400 for a period of 2 years without cumulative effect.

4. The applicant preferred appeal to Respondent No.2 on 11-9-2013. But the appellate authority rejected the appeal on 21-2-2014. Hence filed this OA.

5. The respondents appeared and filed a reply. According to them, the applicant was found playing cards during office hours and they are liable under Rule 3 (1)(ii) and (111) of CCS(Conduct)rules 1964. Accordingly, a common inquiry was initiated against all the employees. Since the applicant denied the charges, proceedings were initiated under Rule 16 (1)(b). Subsequently, other employees admitted the charges and they were imposed with the

penalty of **Censure**. There is no merit in the contention that night duty in charge was pressurised to give statement as alleged. He has only given a report regarding the incident as he was the person in charge during night. The I.O had examined the applicant after the evidence is recorded and all procedures necessary were complied in a proper manner. A copy of the inquiry report was given to the applicant on 1-6-2013 and the D.A had passed the order after considering the evidence.

6. There is no illegality or violation of procedure occurred in this case. The penalty imposed is just and commensurate with the offence committed and there is no reason to interfere with the punishment imposed.

7. We have heard both sides and perused the pleadings. The counsel for the applicants cited the decisions of the Hon'ble Supreme Court in **Commissioner of Police, Delhi and others V Jaibhagwan reported in (2011)6 SCC 376** and **Ministry of Finance and another V S.B. Ramesh reported in (1998)3 SCC 227** to support his case that the evidence adduced on the side of the respondent is not acceptable and the non-examination of applicant is violation of the procedure.

8. We have gone through the pleadings and annexures produced. On a perusal of the details of inquiry conducted, we find that the procedure adopted by the I.O is satisfactory and he had given all opportunity to the applicant to explain the circumstances after inquiry is over. The applicant was also given opportunity to cross-examine the witnesses. The I.O had properly appreciated the evidence and came to the conclusion that the applicant is guilty of the charges levelled against him. We do not find any infirmity in the procedure adopted. The decisions cited by the applicant has no application to the facts of this case.

9. The counsel for the applicant also pleaded for reduction of the punishment as it is not proportionate with the gravity of offence committed. The other delinquent employees were let off by the respondents with "**Censure**" only. The applicant here in was given the punishment of **reduction of pay by one stage for a period of 2 years.**

10. The punishment imposed in this case is minor in nature and it cannot be considered as shockingly disproportionate in nature. The applicant instead of admitting his guilty had tried to protract the matter by contesting the case wasting the time of the officials on public duty. There is no merit in the contentions in the

O.A.

11. The OA lacks merit and it is dismissed. No costs.

(T. JACOB)
MEMBER(A)

(P. MADHAVAN)
MEMBER(J)

02.06.2020