

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3130/2001

Tuesday, this the 20th day of November, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Jagdish Prasad Gupta, S/O Shri Mauji Ram Bansal
C-303, Sector-1, Avantika, Rohini, Delhi
Working in Air Force Museum,
Air Force Station
Palam, New Delhi

..Applicant

(Applicant in person)

Versus

1. Air Officer,
Incharge Personnel (AOP)
Vayu Bhawan, New Delhi
2. Defence Secretary
Ministry of Defence
Govt. of India
New Delhi

..Respondents

O R D E R (ORAL)

The applicant, who is a Senior Store Supdt. in the Air Force Museum at Palam, was charge-sheeted for imposition of a minor penalty by respondents' memorandum dated 30.12.1998 (Annexure A-1). He was finally punished by an order passed on 22.3.1999 (page 9 of paper book) which ^{inter alia} reads as under:-

"Withholding of one increment of pay for a period of three years with further direction that the penalty will not have the effect of postponing future increments."

Aggrieved by the aforesaid order, the applicant has filed the present OA with a prayer that the aforesaid punishment order be quashed and set aside.

2. The applicant, who appears in person, submits that the aforesaid penalty has been imposed upon him at the

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instance of one Shri Yadav, Assistant. According to him, Smt. Tara Ravinderan, UDC made a false complaint against the applicant's remarks mentioned in the statement of imputations of misconduct wholly at the instance of aforesaid Shri Yadav. Similarly, he has been punished again due to the influence of same Shri Yadav. In the submissions made, the applicant has not been able to tell me clearly and without any ambiguity as to how Shri Yadav wielded so much influence with the aforesaid Smt. Tara Ravinderan as well as with Shri V.K.Verma, Air Marshal. The applicant also relies on Supreme Court's ruling in Khem Chand Vs. Union of India (copy placed at page 43 of paper book) which requires that a reasonable opportunity should be given to Govt. servants before they are punished in disciplinary proceedings.

3. I have considered the submissions made by the applicant in person and find that Rule 16 of CCS (CCA) Rules, 1967 provides for imposition of minor penalty on the basis of representations made by Govt. servants in response to imputations of misconduct. The aforesaid Rule also provides that if in the opinion of the disciplinary authority it is necessary to do so, he may proceed to hold a proper enquiry in accordance with sub rules (3) ~~(11)~~ to (23) of Rule 14. According to the said rule, a Govt. Servant can be punished after consideration of the representation made by him in response to imputations of misconduct and also taking into account the proceedings of the detailed enquiry, if any, made under sub rules ^{3 to 23} (3)/(23) of Rule 14. In the present case, the disciplinary authority has clearly found it unnecessary to hold the

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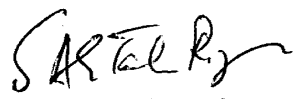
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detailed enquiry in accordance with sub rules (3)/(23) of Rule 14 and has proceeded to impose a punishment on him in accordance with Rule 16. I have considered the matter and find that in the peculiar circumstances of this case, there is nothing wrong if the disciplinary authority has decided not to hold a detailed enquiry under rule 16 (1)(b). All the same, a reasonable opportunity was given to the applicant to represent in the matter. He has made a representation and has been able to state his case. Thus, a reasonable opportunity has been afforded to him and it cannot be argued that a reasonable opportunity was not given in terms of rule 16.

4. In the circumstances, the applicant, I find, has failed to establish a prima facie case. The OA, therefore, is not maintainable and is dismissed in limine. No costs.


(S.A.T. Rizvi)
Member (A)

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