

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 519/2001

New Delhi this the 5th day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M.P.SINGH, MEMBER (A)

Bular Pal S/O Sita Ram,
R/O A-13 Seva Kutir,
Staff Quarters, Kingsway Camp,
Delhi-110009.

... Applicant

(By Shri M.K.Gupta, Advocate)

-versus-

1. Govt. of NCT of Delhi
through its Chief Secretary,
5, Sham Nath Marg
Delhi-110054.

2. Director of Social Welfare,
Govt. of NCT of Delhi,
Kasturba Gandhi Marg,
New Delhi-110001.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant was proceeded against departmentally
on the following articles of charge :

"On 25-02-1993 Sh.Bular Pal, Driver acted
in a manner unbecoming of a Government
servant and has thus violated Rule 3 of the
C.C.S.(Conduct) Rules, 1964."


Though specific act alleged against applicant does not
find place in the aforesaid articles of charge, no
prejudice can be said to have ensued to him in view of
the statement of imputation of misconduct which was
served upon him, which recites as under :

"On 25-02-1993, due to declared rally of
B.J.Party, very few D.T.C. buses were plying
on the roads. Consequently the staff of the

Directorate reached office with a difficulty. In the evening it was decided that staff will be dropped by staff cars at convenient points, where buses were available. Sh. Bular Pal and Sh. Pratap Singh, Drivers were called by Sh. R.C. Mehta, Dy. Director (Admn.), in his office and directed them to leave the keys of their vehicles with him and wait for further orders. They left the keys, but did not wait for further orders and left the office unauthorisedly without intimation. Around 6.00 P.M. the staff members assembled in the front court yard outside the Directorate, but the said drivers were missing. The Dy. Director (Admn) and Sh. R.C. Bhandari, O.S.D. made efforts to trace them outside the office and spotted them near the gate of the road leading towards Constitutional House Post Office around 6.30 P.M. They were ordered to reach office immediately. They did not care for the urgency and took about 15 minutes in reaching office, while they could have reached within 5 minutes. They deliberately kept the staff waiting in order to harass them.

Sh. Bular Pal and Sh. Pratap Singh, Drivers not only left office unauthorisedly & disobeyed the orders of Sr. officers but also displayed a highly indisciplined behaviour, which is unbecoming of a Govt. servant and have thus contravened Rule 3 of the C.C.S. (Conduct) Rules, 1964."

2. The disciplinary authority based on evidence led in the enquiry was pleased to issue a penalty of removal from service. Appeal earlier filed by the applicant was partly allowed inasmuch as the penalty of removal from service was set aside and penalty of reduction by two stages with cumulative effect was imposed upon him. Aforesaid order of the appellate authority was squashed and set aside by this Tribunal on 11.10.1999 in OA No.1648/1994 filed by the applicant on the ground that the order was not a speaking order. The matter was remanded back to the appellate authority. The appellate authority by the impugned order of 6.3.2000, by a speaking order, has maintained the



earlier order of penalty imposed upon the applicant by the appellate authority, giving the following reasons :

"AND WHEREAS, the undersigned has considered the arguments put forth by the appellant and also heard him in person on 18.2.2000 and finds that the main thrust of the appellant in his averments revolves around the non-issuance of written orders by Shri R.C.Mehta, the then Deputy Director for his deployment on urgent duty as required u/r 3(2)(iii) of the CCS (Conduct) Rules, 1964. It appears that the appellant has mis-construed this provision of rule in so much so that this provision of rule is in fact applicable in the cases where policy matters are involved and certainly not for routine trivial matters. It is practically not possible for supervisory officers to issue written orders to their subordinates for each and every temporary assignment particularly in the case of a driver. There is documented evidence in abundance on record to show that Shri Bular Pal, Driver was not available in the office till 6.30 P.M. and made the staff members stranded unnecessarily. The arguments put forth by the appellant in his defence do not inspire confidence and are just a subterfuge for his absence from duty at the relevant point of time and also disobeying the orders of the then Deputy Director (Admn.). However, the undersigned feels that the penalty of removal from service imposed upon the appellant by the Disciplinary Authority was certainly excessive one and not commensurate with the onerous of guilt proved against him."


3. In our judgment, no grievance can now be legitimately made against the order of penalty now imposed by the appellate authority. Finding of guilt is based on evidence adduced in the enquiry. Aforesaid evidence has found favour with the enquiry officer, disciplinary authority as also the appellate authority. The same cannot be successfully assailed by the applicant in the present proceedings.

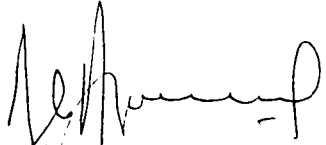


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Similarly, the order of penalty also cannot be said to be unconscionably harsh so as to justify interference.

4. Present OA, in the circumstances, we find, is devoid of merit. The same is accordingly summarily dismissed.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

/as/