

Q 19

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. NO.1940/98

New Delhi this the 24th day of October, 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON'BLE MR. V.K. MAJOTRA, MEMBER(A)

Shri Baisakhi Ram
S/o Late Shri Ram Pratap
R/o 52, New Central Vehicle Depot Line
Sadar Bazar, New Delhi.Applicant

(None Present)

Versus

1. Union of India,
Through its Secretary
Ministry of Defence
South Block, R.K. Puram
New Delhi.

2. Director General
E.M.E. (Civil)
B-Block, Army Hqrs.
New Delhi - 110 011.

3. Commanding Officer
Station Workshop, E.M.E.
Delhi Cantt.
New Delhi - 110 011.

....Respondents

(By Advocate : Shri R.P. Aggarwal)

ORDER (ORAL)

Shri V.K. Majotra, Member (A)

The applicant being absent, we have proceeded to dispose of the matter in terms of Rule 15 of the CAT (Procedure) Rules, 1987.

2. **MA-2758/99:** This is an application to place on record amended original application. The applicant has averred that he has heard about his reduction in rank for the first time by way of reply of the respondents to the OA. In their reply to the MA, the respondents have stated that the applicant was served with a charge-sheet for causing damage to the perimeter wall of the workshop on 05.06.93. The applicant submitted his reply on 14.06.63

(20)

.2.

(Annexure-MR-1) in which he admitted having received the charge-sheet. He admitted his guilt and sought mercy from the respondents in his representation dated 14.06.63. He made another representation dated 20.06.63 admitting that he had caused an accident due to defective breaks and also requested that the punishment imposed on him should be withdrawn (Annexure-MR-3). The applicant's claim that he had heard about his reduction in rank for the first time by way of reply of the respondents in the OA is totally un-acceptable. He has submitted wrong information and attempted at misleading the Court which amounts to almost a fraud, which cannot be allowed. Obviously, the applicant has not come with clean hands before us. The OA is liable to be dismissed on this ground alone. This MA is rejected being based on wrong facts which tend to mislead the Court.

3. MA-2759/99 This has been made by the applicant seeking direction to the respondents to place on record the original service book and records. Again in this MA also applicant has contended that he had never been served with the Memorandum of charge-sheet at any stage. He has also contended that the punishment of reduction in rank by one month is totally false. The respondents have placed on record applicant's admission dated 14.06.63 (Annexure-MR-1) admitting that he had been served with a charge-sheet for causing damage to the perimeter wall of workshop on 05.06.63 and he had sought mercy from the respondents. Respondents have also filed Annexure MR-3 dated 20.06.63 whereby the applicant had again admitting his guilt sought mercy of the respondents requesting them

(71)

to withdraw the punishment against him. The respondents have filed a copy of the service book in which the punishment reducing the applicant to a lower post w.e.f. 17.06.1993 has been recorded (Annexure MR-4). The applicant's averment that he was not awarded any punishment etc. and that he had not been served a memorandum of charge sheet are untenable. These statements are an attempt to mislead the Court. The respondents have also filed Annexure MR-4 and MR-5 which are copies of portions of the Service Book where the applicant has signed on 19.02.1963, 16.07.1973, 02.07.1979 & 28.07.1997 in proof of having seen the service book from time to time. The statement of the applicant that he was not aware of the charge sheet, his punishment and that Shri Som Pal and Sh. Gurucharan Singh became senior to him due to applicant's reversion cannot be accepted. In this view of the matter this MA is also rejected.

4. From the above, it is established that the applicant was feigning ignorance of service of charge-sheet on him and imposition of punishment on him in 1963 itself, yet he filed his OA on 25.09.1998 pleading ignorance of these facts and in the above MAs he had attempted at misleading the Court which cannot be countenanced at all. The applicant's claim that applicant's juniors Sh. Som Pal and Sh. Gurucharan Singh were promoted to Highly Skilled Grade-II and given higher fixation of pay than the applicant is also not acceptable as these persons had joined during the time when the applicant had been reverted on punishment thereby becoming senior to the applicant.

27

5. Having regard to what is stated above, like MAs 2758/99 and 2759/99 this OA is also absolutely devoid of merit. The applicant has not come with clean hands and has tried to mislead the Court. In the circumstances of the case and when the applicant has made a deliberate attempt to mislead the Court not only that we dismiss the OA we find it appropriate to impose a cost of Rs.5,000/- (Rs.five thousand only) against the applicant in favour of the respondents for making misleading and false averments.

V.K. Majotra

(V.K. MAJOTRA)
MEMBER (A)

Lakshmi Waminathan

(SMT. LAKSHMI WAMINATHAN)
MEMBER (J)

CC.