

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. No. 935/1995

New Delhi this the 31st Day of March 2000

HON'BLE SHRI S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE SHRI KULDIP SINGH, MEMBER (J)

Vinod Prakash,
S/o Shri Jagan Nath Tiwari
R/o 67 Bhatwara,
Meerut, Uttar Pradesh ... Applicant

(By Advocate: Shri G.D. Gupta)

Versus

1. Union of India through the Secretary to the Govt. of India Ministry of Defence, South Block, New Delhi
 2. The Controller General of Defence Accounts, Ministry of Defence, West Block V, R.K. Puram, New Delhi-110 066.
 3. The Controller of Defence Accounts (Army), (Earlier known as Controller of Defence Accounts), Central Command, Meerut Cantt, Uttar Pradesh
 4. The Joint Controller of Defence Accounts (Army), Earlier known as Joint Controller of Defence Accounts (AN), Central Command, Meerut Cantt, Uttar Pradesh. Respondents

(By Advocate: Shri P.H. Ramchandani)

ORDER

Hon'ble Shri S.R. Adige, Vice Chairman (A)

Applicant impugns the chargesheet dated 28.3.1988 (Annexure A-1); disciplinary authority orders dated 7.7.1989 and 21.7.1989 (Annexure R-3 and A-2 respectively); the appellate authority orders dated 21.11.1989 (Annexure A-3); the revising authority's order dated 2.7.1992 (Annexure A-4) and the reviewing authority's order dated 22.4.1994 (Annexure A-5). He seeks setting aside of penalty

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(A)

imposed on him with all consequential benefits, including promotions to higher grade.

2. The applicant while functioning as Section Officer, Office of the Controller of Defence Accounts, Meerut was chargesheeted for a minor penalty under Rule 16 CCS (CCA) Rules, 1965 vide impugned order dated 28.3.1988 for allegedly:

- i) Failing to maintain DV Numbering Register in the proper form and to ensure its periodical submission to AO Incharge Group Officer; failing to exercise necessary check to ensure that all the paid vouchers were received back; and failing to ensure that certificate to the effect that documents had been received back in his section were endorsed by AO under his signature.
- ii) Failing to ensure that paid vouchers were sent to CDA (1) Allahabad for post Audit,
- iii) Failing to maintain work distribution chart in his Group.

3. Upon receipt of the chargesheet, applicant asked for copies of certain documents vide his letter dated 7.4.1988 (Annexure A-6) to enable him to prepare his defence statement. He was allowed inspection of only the document at Serial No. 1 of his letter dated 7.4.1988, but was not allowed inspection of the other documents, on the ground that the same was not relevant as is clear from the correspondence annexed at A-7.

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(A2)

4. Applicant submitted his defence statement on 21.6.1988 (Annexure A-8) in which he stated that he was handicapped in furnishing an effective reply to the charges levelled against him in the absence of permission to inspect the other documents despite his request. Even so, in his reply he denied the charges levelled against him.

5. Rejecting applicant's defence, the disciplinary authority in his impugned orders dated 7.7.1989 and 21.7.1989 held applicant guilty of the charges and imposed a penalty of stoppage of three increments for three years without cumulative effect. Thereupon, applicant filed an appeal, upon which the appellate authority in his impugned order dated 21.11.1989 while not interfering with the disciplinary authority's conclusion; reduced the penalty to one of stoppage of two increments for two years without cumulative effect. Applicant's revision petition was rejected by letter dated 2.7.1992 and his prayer for review was also likewise rejected by letter dated 22.4.1994, upon which the applicant filed the present O.A.

6. We have heard the applicant's counsel Shri G.D. Gupta and the respondents counsel Shri P.H. Ramchandani.

7. We have perused the material on record and given the matter our careful consideration:

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(A3)

8. The first ground taken by applicant is that the chargesheet was issued to him only to show the CAT Allahabad Bench wherein certain OAs had been filed by some person against recovery of amounts from them in connection with their LTC claims, that disciplinary action was being taken against the persons who were involved in the said payment. This allegation has been denied by respondents and a perusal of the chargesheet itself reveals that it is confirmed to the lapses alleged to have been committed by applicant. Hence, this ground fails.

9. The second ground taken is that all the contentions raised by applicant in reply to the chargesheet and in his appeal were not dealt by the respective authorities. A perusal of the orders of the disciplinary authority as well as of the appellate authority makes it clear that the material submissions made by him before them have been discussed by them in their orders, and applicant has not specified which particular submission has not been discussed by them. Hence, this ground also fails.

10. The next ground taken is that the applicant was not allowed inspection of all the documents mentioned in his letter dated 7.4.1988. Applicant has not succeeded in establishing the relevance of these documents and a perusal of his defence statement as well as his appeal does not in any way lead us to conclude that he was handicapped in his defence because he was denied permission to inspect the same. Hence, this ground also fails.

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11. The next set of grounds taken by applicant are that he was merely following past practice; no action was taken against his superior officers who did not point out to him these lapses; certain circulars were not brought to his notice; and his unit was not responsible for sending the paid vouchers to Allahabad. A defective procedure following on the basis of long practice in no way reduces applicant's own delinquency and while taking charge of his unit, he should have ensured that all the relevant rules and instructions were being followed. The fact that no action was taken against his superior officers also does not reduce applicant's own ~~culpability~~ culpability. Furthermore, applicant's unit was responsible for sending the paid vouchers to Allahabad and indeed those vouchers were sent to Allahabad by his successor subsequently. Applicant's plea that he was maintaining the work distribution chart was also not found to be correct as no such document was made available.

12. In the result, we see no reason to interfere in the OA which is accordingly dismissed. No costs.


(Kuldeep Singh)
Member (J)


(S.R. Adige)
Vice Chairman (A)

Mittal