

Central Administrative Tribunal, Principal Bench

Original Application No.1668 of 1996

New Delhi, this the 15th day of February, 2000

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Hon'ble Mr. R.K. Ahooja, Member (A)

1. Shri Hukam Singh, Mazdoor (Civilian),
S/o Shri Babu Lal, office of the
Commandant, Station Health Organisation,
Agra Cantt., Residential Address: House
No.A-73, Shanti Nagar, Behind Nepal
Hotel, Mathura (U.P.)
2. Shri Bhajji, Mazdoor (Civilian), S/o
Shri Samanta, office of the Commandant,
Station Health Organisation, Agra
Cantt., Residential Address: Village -
Tarsi, P.O. Dhangaon, Distt. Mathura (U.P.)
3. Shri Ranchor, Mazdoor (Civilian), S/o
Shri Ganga Prasad, office of the
Commanding Officer, 45-Coy.,
A.S.C.(Supply), Agra Cantt., Residential
Address: Village - Tarsi, P.O.
Dhangaon, Distt. Mathura (U.P.)
4. Faugni, Mazdoor (Civilian), S/o Shri
Summi, Office of the Commandant, 338(I)
Supply Depot. ASC. Mathura (U.P.)
Residential Address: Village - Nabipur,
Post Office - Uspar, District - Mathura (U.P.) - Applicants
(By Advocate - Shri D.N. Sharma)

Versus

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Defence, South Block, New Delhi.
2. The Quarter Master General, Quarter
Master General's Branch, Army Head-
quarters, D.H.Q. Post Office, New Delhi.
3. The Director General of Supplies &
Transport, Quarter Master General's
Branch, Army Headquarters, D.H.Q. Post
Office, New Delhi.
4. The Commandant, 3-Reserve Petroleum
Depot., A.S.C., Mathura (U.P.).
5. The Commandant, Station Health
Organisation, Agra-Cantt. (U.P.).
6. The Commanding Officer, 338(I) Supply
Depot., A.S.C., Mathura (U.P.).
7. The Commanding Officer, 45-Coy., A.S.C.
(Supply), Agra-Cantt (U.P.). - Respondents
(By Advocate - None)

O R D E R (Oral)

By Mr. R.K. Ahooja, M(A) -

The applicants who were working as Mazdoors in
the Office of the Commandant, 3-Reserve Petroleum
Depot., ASC Mathura (now disbanded) are aggrieved by the

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order of the disciplinary authority ordering recoveries from their pay on account of fraudulent medical claims and also imposition of penalty of withholding of one increment with cumulative effect.

2. We have gone through the record and have also heard the learned counsel for the applicants. None has appeared for the respondents.

3. We are of the view that the impugned order is liable to be quashed on the short ground that the procedure adopted by the respondents before passing the impugned order is not in accordance with law and the provisions of CCS (CCA) Rules. The respondent had issued a charge sheet dated 12th July, 1995 (Annexure-R-5) This states that it was proposed to take action under Rule 14 ibid. However, the order dated 24th July, 1995 issued to applicant Faguni shows that no enquiry in accordance with Rule 14 was undertaken and the following order was passed only on the ground that no explanation was given by the applicants.

"5. NOW THEREFORE in exercise of the powers conferred by Rule 11(1)(iii) and (iv) of CCS CCA Rules 1965, the undersigned hereby award the following penalties to Shri Faguni :-

(a) "Recovery from the pay an amount Rs.15846/- of the pecuniary loss caused by him to the Govt. by negligence or breach of orders.


(b) "withholding of one increment of pay with cumulative effect".

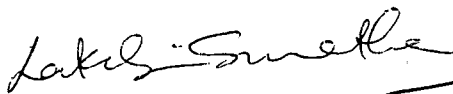
4. We find that the punishment of withholding of one increment of pay with cumulative effect (emphasis supplied) is in terms of Rule 16(1)(A) to be imposed only after following the procedure under sub-rules 3 to 23 of Rule 14. This has not been adopted by the

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respondents. Even otherwise once the proceedings are initiated under Rule 14 but it is proposed to impose a minor punishment the procedure enunciated in sub-rules 2 to 23 of Rule 14 is to be followed, even if the disciplinary authority on considering the reply of the charged official comes to a conclusion that a minor penalty under Rule 16 would suffice. This is as per the Government of India's instruction no.(5) (Rule 100 of P.&T. Manual, Vol.III) reproduced below Rule 14 of the CCS(CCA) Rules, 1965 (Swamy's compilation -24th Edition-1999).

5. In the result, the OA is allowed. The impugned order of the disciplinary authority imposing the penalty of withholding of one increment is quashed and set aside. The respondents will, however, be at liberty to proceed against the applicants in accordance with law. The recovery made from the applicants will be refunded to the applicants within a period of one month of the communication of this order.


(R.K. Ahooja)
Member (A)


(Mrs. Lakshmi Swaminathan)
Member (J)

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