

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 2087/97

with

MA No. 2160/99

New Delhi: this the 28th day of JULY, 2000.

(21)

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A):

HON'BLE MR. KULDIP SINGH MEMBER (J):

P.K. Haldar,

Asstt. Director (Cal),

Dte. General of Civil Aviation,

Opp. Safdarjung Airport,

New Delhi - 3

.....Applicant

(By Advocate: Shri K.B.S. Rajan)

Versus

1. Union of India,
through the Secretary,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi - 3

2. Director General,
Dte. General of Civil Aviation,
Technical Centre,
Opp. Safdarjung Airport,
New Delhi - 3

3. Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi

.....Respondents

(By Advocate: Shri K.C.D. Ganguani)

ORDER

Mr. S.R. Adige, VC (A):

Applicant impugns the charge sheet dated 13.6.88
(Annexure-III) and the Disciplinary Authority's order
dated 4.6.97 (Annexure-I).

2. Applicant was charged with having failed to
maintain absolute integrity as a Govt. servant and
thereby violating Rule 3 CCS (Conduct) Rules in as much as
that he while functioning as Sr. Aerodrome Officer, Ranchi
during the period 20.11.82 to 19.12.83 misused his
position by selecting his brother-in-law Shri Sujit

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Burman for appointment as Asstt. Mechanic at Civil Aerodrome, Ranchi

3. The Enquiry Officer in his report (Annexure-VII) concluded that applicant by not dissociating himself from the Selection Board constituted for the recruitment of Assistant Mechanic at Civil Aerodrome, Ranchi, when he came to know of his brother-in-law Shri S. Burman's candidature for the same, failed to project for himself an image of honesty and impartiality and exposed himself to such doubts ^{as are} hard to dispel, thus violating the spirit of Home Ministry's OM dated 23.4.55 which tantamounts to violation of Rule 3 CCS(Conduct) Rules. It was however clear that applicant had not brought any influence to bear on other members of the Selection Board to favour his brother-in-law nor had he manoeuvred to get his brother in law selected as Asstt. Mechanic.

4. A copy of the Enquiry Officer's report was furnished to applicant for representation, if any.

5. Applicant submitted his representation on 11.5.90 (Annexure-VIII) on receipt of which the Disciplinary Authority's after considering the materials on record, and after consulting the UPSC ^{Acceptor}, _{the E.O's findings and} issued the impugned order dated 4.6.97 reducing applicant's pay by 5 stages for a period of 3 years during which applicant would not earn increments and which would have the effect of postponing further increments.

6. It is this order dated 4.6.97 which is now impugned.

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7. We have heard both sides.

8. The main arguments advanced by applicant's counsel Shri Rajan are that MHA's OM dated 23.4.55 and dated 26.4.57 referred to in para 3 of the statement of imputation of misconduct which forms the basis of the charge, nowhere specifies that a Govt. employee should not chair any interview board in case his relative happens to be a candidate and under the circumstance, no misconduct can be said to have been made out. It is contended that such restriction was brought about only by DPAR's OM dated 3.6.88 (copy taken on record) much after the incident, and the same could not be given retrospective effect.

9. We have considered these arguments carefully, but are unable to agree with the same.

10. Respondents' Circular dated 23.4.55 enjoins upon those who hold responsible posts, to maintain independence and impartiality in the discharge of their duties. It has specifically been emphasised that those holding responsible posts should ensure that there is no ground or occasion to suggest that some individuals have greater access or influence with them than others, and the officers should fully appreciate the need for maintaining a high standard of integrity and impartiality, and sure as far as it lies in their power, that their behaviour gives no room for any possible suggestion to the contrary. It is clear that by associating with the Interview/Section Board in which one of his near relative appeared, applicant violated the spirit of those instructions. As mentioned

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by UPSC in its letter dated 13.2.97 (Annexure-II)

"the instruction regarding the Govt. servant dissociating himself from a Selection Committee, where his close relation is a candidate, is based on the fundamentals of probity in Govt. service and a Govt. servant is expected to know it as one of the basic tenets of right conduct."

11. The maintenance of absolute integrity required of every Govt. servant, is itself based on the fundamentals of probity in Govt. service and by not dissociating himself from a selection Committee where his close relation was a candidate, applicant has failed to maintain absolute integrity and has thus violated Rule 3 CCS (Conduct) Rules.

12. The OA warrants no interference and it is dismissed. No costs.

Kuldeep
(KULDEEP SINGH)

MEMBER(J)

Rajendra
(S.R. RAO)

VICE CHAIRMAN(A)

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