

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 486/97

New Delhi, this the 4th day of September, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Sh. S.C. Jain,
S/o Sh. Ratan Lal Jain
Senior Observer
India Meteorological Department,
Mausam Bhavan,
Lodi Road,
New Delhi-110003.
r/o M-76-B Meteorological Complex,
Lodhi Road, New Delhi. Applicant
(By Advocate: Ms. Meenu Mainee)

VS.

Union of India through

1. The Secretary
Government of India
Department of Science and Technology,
Technology Bhawan,
New Mehrauli Road,
New Delhi.
2. The Director General of Meteorology,
India Meteorological Department
Mausam Bhawan, Lodi colony,
New Delhi-110003.
3. The Dy. Director General Meteorology
(Admn. & Stores)
India Meteorological Department
Mausam Bhawan, Lodi colony,
New Delhi-110003.
4. Dy. Director General of Meteorology,
India Meteorological Department
Mausam Bhawan, Lodi colony,
New Delhi-110003. Respondents
(By Advocate: Sh. K.C.D. Gangwani)

ORDER (ORAL)

By Sh. Govindan S. Tampi,

The applicant in this case is an employee of Meteorological Department who has been chargesheeted for misbehaviour towards a female colleague. He having denied the charge, proceedings were initiated at the end of which enquiry report was given indicating that the charge stood proved. The disciplinary authority, namely, Dy. Director General Meteorology accepted

the findings of the enquiry officer and passed the order dated 12.3.96 penalising him. This was confirmed by the appellate order passed by the Director General Meteorology on 28.5.96. Hence this application.

2. Ms. Meenu Mainee, arguing for the applicant urges that the punishment given to the individual in this case was a compound penalty involving a number of penalties making it an unjustified multiple penalty. It is alleged that the applicant was reduced to a lower time scale and post for six years, his pay was reduced from Rs.2150/- to Rs.1800/- p.m. His increment had also been stopped for 6 years, with the reduction having the effect of postponing the future increment of his pay and he would be on restoration only draw the basic pay of Rs.2150/- and would earn increment only from that. The argument raised on the part of the applicant that this penalty is not a one penalty but a number of penalties put together which cannot be accepted. Learned counsel also brought to our notice the decision of the Central Administrative Tribunal, Cuttack Bench in the case of Harihar Sahu Vs. Union of India and argued that her client was the victim of double jeopardy. She also referred to the decision of the Tribunal in (1991) 18 ATC 586 M.L.Sahanssar Vs. Union of India & others where it was held in a single departmental enquiry even when multiple charges are against only one penalty could be imposed on him. Sh. Gangwani appearing for the respondents indicates that what has been objected to by the applicant is not correct and that what has been indicated as multiple penalties by the applicant were only the units of the single penalty. This is the case of the major penalty and there was no reason that it could not be imposed, urges Sh. Gangwani.

3. We have given careful consideration to the rival contentions. We are convinced that this is the case where the applicant has been found guilty of a grave misdemeanour with

social consequences. At the end of the detailed proceedings where the applicant was given full opportunities to defend himself at the inquiry stage. The disciplinary authority had after examining the inquiry report concluded that a prima facie case existed against the applicant for moral turpitude and gross misconduct. The Appellate Authority also did not find any reason to interfere with the decision taken by the disciplinary authority imposing a penalty of reduction to lower post with corresponding fixation of pay at the lower scale with directions as to what should be done on at the end of the penalty period on the applicant and accordingly upheld the penalty imposed. The same has been correctly done. The argument that the penalty smacked of double jeopardy is totally untenable on the facts of the case. Therefore, the judgments cited have no relevance. We are totally convinced that the applicant has not at all made any case for our interference. Application is, therefore, dismissed with the cost of Rs.3000/- (Rupees three thousand only) which shall be paid to the CAT Bar Association for its library.

(GOVINDAN S. TAMPI)
Member (A)

(V. RAJAGOPALA REDDY)
Vice Chairman (J)