

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2405/1994

New Delhi this the 1st day of October, 1999

(12)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

Shri C.K.Thakur,
Examiner, Ministry of Defence,
Department of Std.TSG (Micro Film),
Room No.118, H.Block Hutsments,
DHQ, New Delhi-110011

.. Applicant

(By Advocate Shri C.Hari Shankar)

Versus

1.Union of India through the
Secretary,
Ministry of Defence, South Block,
New Delhi.

2.Joint Secretary (Trg.) and CAO,
Ministry of Defence,
DHQ PO, New Delhi-110011

.. Respondents

(By Advocate Shri S.M.Arif)

O R D E R (ORAL)

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

The applicant is aggrieved by the order of the disciplinary authority dated 5.8.1993 by which the penalty of censure was imposed on him. He had filed an appeal on 21.9.1993 to the appellate authority which was rejected and the penalty of censure imposed on the applicant was confirmed by letter dated 24.11.1993 under Rule 16 of the CCS(CCA) Rules, 1965.

2. We have heard learned counsel for both the parties and perused the records.

3. The charge against the applicant reads as follows:

"Sh.C.K.Thakur, Examiner, on attachment with Dte.of Standardisation, personally handed over a representation on 10.6.93 from his wife to further his interest in respect of matters pertaining to his service under Govt. to JS(Trg.) & CAO and thereby brought outside influence on the superior authority.

By his above act, Sh.C.K.Thakur has violated the provisions of Rule 20 of the CCS(Conduct) Rules, 1964."

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4. Shri C.Hari Shankar, learned counsel for the applicant has contended that the punishment of censure has been given that is on the very incident, on the ground that the applicant's wife had submitted a representation dated 26.5.1993(Ann.R.II). His contention is that this is not a case where it can be considered as outside influence in terms of Rule 20 of the CCS(Conduct) Rules, 1964 which has to be read *noscitura sociis* with the earlier clause which refers to political influence. However, we note from the representation made by applicant's wife that the same has been sent to various authorities, including one Shri K.M.Madhukar, MP(Lok Sabha). Therefore, taking into account the facts of the case, we are not impressed by the arguments advanced by Shri C.Hari Shankar, learned counsel for the applicant that the representation of the applicant's wife could not be taken as violative of Rule 20 of CCS(Conduct) Rules, 1964. He has, however, drawn our attention to the Department of personnel and Training O.M. dated 12.1.1995 which deals with the Govt. servants attempting to further their service interests through non-Governmental influence. The relevant portion of the instructions with reference to Rule 20 of the CCS(Conduct) Rules, 1964, as follows:

"..As per the existing instructions, vide O.M. No.11013/7/85-Estt.(A) dated 22.5.85, the following action should be taken against Government servants approaching Members of Parliament or State Legislatures for sponsoring individual cases:

(i) A Government employee violating the aforesaid provisions of the Conduct Rules for the first time should be advised by the appropriate disciplinary authority, to desist from approaching Members of Parliament/Members of State Legislature to further his/her interest in respect of matters pertaining to his/her service conditions. A copy of this advise need not, however, be placed in the CR dossier of the employee concerned."

(Emphasis added)

5. The respondents do not state that this is not the first instance when the applicant had attempted to bring outside

influence, including political influence, to further his interests in service matters. That being so, on the violation of the provisions of the Conduct Rules for the first time, the Govt. servant should have been advised by the appropriate disciplinary authority to desist from approaching Members of Parliament/Members of State Legislature to further his interest in respect of matters pertaining to his service conditions, which they have failed to do. This advise is not to be placed in his C.R.dossier also. These instructions have to be read as supplementing the provisions of Rule 20 of the Conduct Rules.

6. In the facts and circumstances of the case and for the reasons given above. O.A. is allowed. The impugned order dated 5.8.1993 and appellate authority's order dated 24.11.1993 are set aside. The parties to bear their own costs.

Biswas
(S.P.Biswas)
Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Member (J)

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