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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1659/2000

New Delhi, this 30th day of August, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri M.P.Singh, Member (A)

Chandra Kant Ravivanshi,
S/o Shri Khawani Singh,
R/o B-248, Nanakpura,
New Delhi - 110021.

..... Applicant

(None)

versus

1. Union of India,
through the Secretary,
Ministry of Science & Technology,
Department of Science & Technology,
Technology Bhavan,
New Delhi-110016.
2. Surveyor General,
Survey of India,
Hathi Barkala,
Dehradun - 248 001 (U.P.)
3. Addl. Surveyor General
Map Publication,
Hathi Barkala,
Dehradun - 248 001 (U.P.)
4. The Director
Office of Director Survey (AIR),
West Block No.4,
R.K. Puram,
New Delhi- 110 066.

..... Respondents

(By Shri Rajeev Bansal, Advocate)

O R D E R (oral)

By Shri Justice Ashok Agarwal:

The applicant and his advocate are absent. We have heard Shri Rajeev Bansal, learned counsel appearing on behalf of the respondents. We proceed to dispose of the present OA on merits in the absence of the applicant and his advocate in terms of Rule 15 of the C.A.T. (Procedure) Rules, 1987.

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2. By the present OA, applicant has sought to impugn the memorandum of Articles of Charge issued against him on 19.4.2000 (Annexure B) whereby the disciplinary proceedings were initiated against him. The aforesaid memorandum was served on the applicant on 5.5.2000. By the memorandum, he was required to submit his statement of defence within 10 days. Vide a letter dated 15.5.2000, he sought 15 days further time to submit his written statement, which was granted to him. Time to submit the written statement was upto 29.5.2000. Since the written statement of defence had not been submitted upto 11.7.2000, ^{an} ~~the~~ inquiry officer and ^a ~~the~~ presenting officer were appointed vide order dated 11.7.2000 at Annexures F and G respectively. The present OA has been filed on 25.8.2000 whereby he has sought to impugn the aforesaid memorandum of 19.4.2000 and has also impugned the orders dated 11.7.2000. The applicant has relied upon the judgement of the Criminal Court dated 13.4.1998 at Annexure-A whereby the accused has been acquitted of the charge of misappropriation ^{of} a sum of Rs.3,11,202.80. The impugned memorandum of charge which is ^{impugned} ~~accruing~~ has been issued later on 19.4.2000 and served on him on 5.5.2000. The applicant, it appears, has also obtained an interim order of stay of further proceeding in the ^{present} ~~aforesaid~~ proceedings.

3. We have perused the proceedings against him and we find that no ^{case is made out for interference} ~~cause has accrued~~, at least at this stage of the proceedings i.e. the stage of issue of charge in the disciplinary proceedings which are sought to be impugned in the present OA. The charges which are contained in the present disciplinary proceedings are entirely distinct and different from the charges before the Criminal Court for

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which the applicant has been found not guilty after giving him the benefit of doubt. As far as the Criminal Court is concerned, he ^{was charged with} ~~has~~ misappropriated ^{of} an amount of Rs.3,11,202.80 and in respect of the said charge, he has been acquitted after giving ^{him} the benefit of doubt. As far as the charges which are contained in the memorandum of 19.4.2000 are concerned, the same are as under:-

"ARTICLE I

That Shri C.K. Ravivanshi, Office Superintendent, while functioning as incharge, Map Sales Office, Janpath, New Delhi for the period 14.7.1994 to 31.03.1995 did not adopt proper method of writing Cash Book and stopped writing of Cash Book altogether from 30th July, 1994. Thus, the said Shri C.K. Ravivanshi failed to maintain devotion to duty and acted in a manner unbecoming of a Government servant and thereby violating Rule 3 (i) (ii) (iii) of CCS (Conduct) Rules, 1964.

ARTICLE II

That the said Shri C.K. Ravivanshi, Office Superintendent, while functioning as incharge, Map Sales Office, Janpath, new Delhi during the period 14.7.1994 to 31.03.1995 did not furnish monthly reports and returns expected of him to the higher formations. Thus the said Shri C.K. Ravivanshi failed to maintain devotion to duty and thereby violating Rule 3 (i) (ii) of CCS (Conduct) Rules, 1964.

ARTICLE III

That the said Shri C.K. Ravivanshi, Office Superintendent, while functioning as incharge, Map Sales Office, Janpath, new Delhi during the period 14.7.1994 to 31.03.1995 proceeded on Earned leave on a number of occasions without prior approval of the Leave Sanctioning Authority and also without handing over the charge of Map Sales Office to the next senior-most officer. Shri C.K. Ravivanshi, thus, acted in a manner unbecoming of a Government servant and thereby violating Rule 3 (i) (iii) of CCS (Conduct) Rules, 1964.

ARTICLE IV

That the said Shri C.K. Ravivanshi, Office Superintendent, while functioning as incharge, Map Sales Office, Janpath, new Delhi during the period 14.7.1994 to 31.03.1995 kept on disobeying the orders of superiors and indulged in various acts

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of mis-behaviour. He, thus, failed to maintain devotion to duty and acted in a manner unbecoming of a Government servant and thereby violating Rule 3 (i) (ii) (iii) of CCS (Conduct) Rules, 1964.


ARTICLE V

That the said Shri C.K. Ravivanshi, Office Superintendent, was posted as Incharge, Map Sales Office, Janpath, New Delhi on 14.07.1994 by Director, Survey (Air). He took over the charge on 14.07.1994. He was entrusted with the responsibilities of Incharge, Map Sales Office and was responsible to collect the sale proceeds on every evening before close of office from subordinate staff who used to man the counter for this sale. He was duty bound to account for such receipts in his Cash Book and was responsible for their deposit in the bank through E & AO, D. Survey (Air). He indulged in wilful acts of omissions and commissions leading to defalcation of Government money collected on account of sales of maps in Map Sales Office amounting to Rs.3,11,202.80 (Three lakhs, eleven thousand two hundred two and paise eighty only) from 14.07.1994 to 31.03.1995. Thus, the said C.K. Ravivanshi failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant and thereby violating Rule 3 (i) (ii) (iii) of CCS (Conduct) Rules, 1964."

4. If one has regard to be charges contained in the disciplinary proceedings, the same have no relevance to the charge before the Criminal Court. Whereas the charge before the Criminal Court was in respect of criminal ^{misappropriation} ~~act~~ the charges contained in the disciplinary proceedings are in respect of dereliction of duty, proceeding on leave without prior permission, not handing over charge of his office to the next senior-most officer, disobedience to the orders of the superiors and indulging in various kinds of mis-behaviour etc. Since the charges contained in the disciplinary proceedings are not the same and rather they are different and distinct, ^{no capital can be claimed on the basis} ~~emphasis could be drawn on the points in~~ respect of the orders dated 13.4.1998 passed by the Criminal Court in favour of the ~~accused~~ applicant.

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5. Applicant in the circumstances is not justified in seeking to impugn the aforesaid disciplinary proceedings by instituting the present OA. Present OA, we find is wholly without merit and the same is accordingly dismissed. No order as to costs.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

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