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Central Administrative Tribunal
Principal Bench

O.A. No. 2261 of 2000

New Delhi, dated this the 19th February 2000

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Shri Mange Ram Gupta,
S/o late Shri Tika Ram,
R/o D-673, DIZ Area, Gole Market,
New Delhi-110001. Applicant

(By Advocate: Shri M.K. Gupta)

Versus

1. Union of India through
the Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-110011.
2. Directorate of Printing through,
its Director,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-110011.
3. Shri R.S. Wadhwa,
Manager,
Government of India Press,
Minto Road,
New Delhi-110002. ... Respondents

(By Advocate: Shri Gajendra Giri)

ORDER

S.R. Adige, VC (A)

Applicant who is a Group 'C' employee in
Government of India Press, Minto Road impugns
respondents' ~~order~~ Memo. dated 4.8.2000
(Annexure A-1) initiating disciplinary proceedings
against him and the order dated 19.12.2000 (Page 19
of the O.A.) appointing the present officer.

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2. Shri M.K. Gupta appeared for applicant. Shri Giri appeared for respondents and stated that the O.A. did not require any reply. Both sides were heard.

3. The main ground advanced by Shri Gupta during hearing was that applicant had been appointed by the Joint Director in the Govt. of India Press, Minto Road and Respondent No.3 Shri R.S. Wadhwa, Manager, Govt. of India Press was not his disciplinary authority and hence was not competent to issue the impugned order.

4. Shri Giri has invited our attention to Ministry of Urban Development S.O. No. 1559 dated 1.6.99 issued pursuant to Rule 12(2)(b) CCS (CCA) Rules, 1965 with the approval of the President appointing the Manager, Govt. of India Press, Minto Road as a disciplinary authority as envisaged in Rule 13 (2) of the rules to impose any penalty as specified in Rule 11(i) to (iv) in respect of Group 'C' and Group 'D' employee of the aforesaid Press.

5. Rule 13 CCS (CCA) Rules specifically empowers the President or any other authority empowered by him by general or special orders to initiate disciplinary proceedings against any Government ^{servant} ~~employee~~ or direct a disciplinary authority to initiate disciplinary proceedings against a Government servant.

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6. Shri Gupta contends that applicant's appointment by the Jt. Director predates the issue of SO No. 1559 dated 1.6.99, and hence that SO is not applicable.

7. We are unable to agree. Nothing has been shown to us to establish that applicant was appointed by the Jt. Director and in our considered view, in the light of SO No. 1559 dated 1.6.99 read with Rule 13 CCS(CCA) Rules the challenge to impugned orders dated 4.8.2000 and 19.10.2000 fails.

8. We are supported in our view by the fact that even earlier disciplinary proceedings were initiated against applicant vide Memo dated 17.2.97 which were signed by the then Manager, GDI Press, Minto Road, New Delhi as the disciplinary authority.

9. The OA is dismissed. No costs.


(DR. A. VEDAVALLI)
MEMBER (J)


(S.R. ADIGE)
VICE CHAIRMAN (A)

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