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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2625/2000

New Delhi, this the 9th day of January 2002

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P. SINGH, MEMBER (A)

Shri Vanraj Chavda
S/o Shri Alji Bhai H. Chavda
R/o SM-1/D-13, Dilshad Colony,
Delhi-110095.

... Applicant

(Applicant in person)

V E R S U S

1. Union of India
through the Secretary
Ministry of Personnel, Public Grievances
and Pensions
(Department of Personnel and Training)
North Block,
New Delhi-110001.
2. Union of India
Through the Secretary
Ministry of Defence
South Block,
New Delhi-110001.
3. Development Commissioner
Kandla Free Trade Zone,
Gandhi Dham, Kutch
Gujarat.
4. Shri H.L. Kadlabju
Principal Secretary
Department of Health
Government of Jammu & Kashmir
At Jammu.
5. Shri T.S. Parihar
Assistant Security Officer
Kandla Free Trade Zone,
Gandhi Dham,
Gujarat.

... Respondents

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

ORDER (oral)

By Shri M.P. Singh, Member (A) :

The applicant by filing this OA is challenging
the order dated 13.10.2000 passed by respondent No.1
imposing the major penalty on him of reduction of pay

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by two stages in the time scale of pay for a period of two years. It is further directed that during the period of such reduction, he will not earn any increments of pay and on expiry of such period the reduction will have the effect of postponing the future increments of his pay.

2. Brief facts of the case are that the applicant is presently working as Under Secretary in the Ministry of Defence. In the year 1994 when he was holding the post of Administrative Officer/Estate Officer, Kandla Free Trade Zone (in short 'KFTZ'), Gandhi Dham, Gujarat and acting as a quasi-judicial authority, he was delegated the powers under provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The applicant was served with Memorandum on 29.7.1998 under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 informing him that the President proposes to hold an enquiry against him on the allegation that he allowed M/s. Otoklin Plants and Equipments Ltd. to use additional land of about 100 acres unauthorisedly without paying rent from May 1994 to August 1994 after collecting Rs.60,000 from the firm for themselves and caused a loss of Rs.5,39,466.64 to KFTZ. A departmental inquiry was held and the inquiry officer was appointed to conduct the inquiry. The inquiry was concluded by the inquiry officer and he submitted his report to the disciplinary authority on 15.4.1999 wherein the charge was partly proved against the applicant. The applicant he was furnished with a copy

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of the inquiry report and was asked to submit his representation. He submitted his detailed representation on 15.7.1999. The disciplinary authority forwarded the case records to the Union Public Service Commission (in short "UPSC") for advice and the UPSC vide its letter dated 22.6.2000 held that ends of justice would be met in this case if penalty of reduction of pay by two stages in the time scale of pay for a period of two years with further direction that during the period of such reduction the applicant will not earn any increments of pay and on the expiry of such period the reduction will have the effect of postponing the future increments of his pay, is imposed. The disciplinary authority after receipt of advice of UPSC, vide order dated 13.10.2000 imposed the penalty upon the applicant of reduction of pay by two stages in the time scale of pay for a period of two years with further directed that during the period of such reduction the applicant will not earn any increments of pay and on the expiry of such period the reduction will have the effect of postponing the future increments of his pay. Aggrieved by this, the applicant has filed the present OA seeking a direction to quash and set aside the impugned order dated 13.10.2000 and also sought a direction to the respondents to re-consider the aforesaid penalty imposed upon him.

3. Respondents in their reply have stated that on denial of the charges, an oral inquiry was held. The inquiry officer held the charge as "partly proved"

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against the applicant. A copy of the report of the inquiry officer was made available to the applicant to give him an opportunity of making representation against the findings of the inquiry officer. The applicant submitted his representation against the findings of the inquiry officer. The disciplinary authority after carefully considering the findings of the inquiry officer, evidence on record, the representation submitted by the applicant and the advice of the UPSC came to the conclusion that the charge that the applicant contravened Rule 3(1) (i), (ii) and (iii) of Central Civil Services (Conduct) Rules, 1964, was proved. However, the ingredient of charge of collecting Rs.60,000 from M/s Otoklin Plants and Equipments Ltd., was not proved. The applicant had visited the extension area on 7th and 8th September, 1994 and it was found that the unit was using additional land. However, the applicant in his note dated 22.9.1994 to the Development Commissioner sought approval for grant of rent concession for the plots allotted to M/s Atoklin Plants and Equipments Ltd., and in the said note, he did not mention anything about the use of additional land by the unit. It was only when a note was put up by the Asstt. Security Officer that the actual fact of unauthorised occupation of land by the unit was mentioned by the applicant and brought to the notice of the Development Commissioner. Thus the above inaction on the part of the applicant was seen as a pointer to his malafide intentions. The President of India, i.e., the

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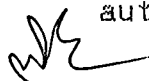
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disciplinary authority, after taking into consideration the gravity of charges established against the applicant imposed on him, the aforesaid penalty. It is stated by the respondents that the applicant was supplied all the relied upon documents in inquiry as per the procedure laid down in the CCS (CCA) Rules, 1965. In view of the submissions, the present DA is devoid of merit and is liable to be dismissed.

4. Heard applicant in person and Shri K.C.D. Gangwani, learned counsel for the respondents and perused the records.


5. In this case, we find that the respondents have held the inquiry in accordance with rules and instructions. The applicant has been supplied all the relied upon documents and has been given sufficient opportunity to defend his case and thus the principles of natural justice have been observed by the respondents. As per the law laid down by the Hon'ble Supreme Court that we cannot reappreciate the evidence and we cannot go into the quantum of punishment. In these circumstances, we are of the considered view that there is no legal infirmity in the disciplinary proceedings held by the respondents against the applicant and the findings of the inquiry officer are based on the evidence on record. We do not find any ground to interfere with the order of disciplinary authority dated 13.10.2000.

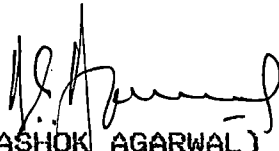


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6. In view of the reasons recorded above, the OA is devoid of merit and is accordingly dismissed. No costs.


(M.P. SINGH)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

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