

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.NO.723/2000

New Delhi. this the 13<sup>th</sup> day of November, 2000.

HON'BLE MR. S.A.T. RIZVI. MEMBER (A)

Sh. K.Thiruvengadam. Superintending  
Engineer Mes Army HQS. R/O Type 4 (S)  
H-15. Andrews Ganj Extension. New Delhi.  
...Applicant.  
(By Advocate: None)

VERSUS

1. Union of India through Defence  
Secretary. Ministry of Defence.  
South Block. New Delhi.
2. Engineer in Chief. Military  
Engineer Service Dept. Army  
Headquarters. Kashmir House. New  
Delhi.  
...Respondents.  
(By Advocate: None)

O R D E R

The applicant. who is a Superintending Engineer in the Military Engineering Service (MES). is aggrieved by the Presidential order dated 30.12.98 by which he has been punished by withholding the next salary increment for one year without cumulative effect. Hence. this OA.

2. On the final date of hearing. none appeared from either side even on the second call. It is also seen that while the applicant has been properly represented by his learned counsel on all the previous dates. the respondents have failed to file any counter reply despite several opportunities given to do so.

3. The facts of this case are simple. The applicant was working as Commander Works Engineer (P). Naval Air Station. Arakkonam when he was entrusted with the task of helping in the local recruitment of C & D Groups of industrial employees through the local Employment

Exchange in accordance with the sanction issued by the Chief Engineer (CE). After doing the needful in the matter, the applicant sent a panel of selected persons to the Chief Engineer, Madras Zone (CEMZ) in December, 92. The latter found certain deficiencies in the panel submitted by the applicant. The applicant complied with the observations made by the CEMZ and resubmitted the panel. However, the CE, Southern Command, Pune asked the CEMZ not to act on the said panel and to keep it in abeyance. The corresponding sanction for the posts in question lapsed on 31.12.92. Later, the CE, Southern Command, Pune issued another sanction for the recruitment of C & D groups of industrial employees in October, 93. This process was to be completed by Feb. 94. In follow up, the CEMZ ordered the revival of the previous select panel and further asked the applicant to issue appointment letters to the candidates. The said CE simultaneously asked the applicant to convene another Selection Board. Subsequently, the CE, only two days before the expiry of the second sanction, i.e., on 21.2.94, asked the applicant to issue appointment letters to the candidates on the basis of the recommendations of the second Selection Board for the vacancies remaining unfilled. According to the applicant, the action taken by him, as above, led to several anonymous etc., complaints and in consequence, CBI investigation was set up against him and he was served a statement of imputations of misconduct on 25.11.97 under Rule 16 of the C.C.S. (CCA) Rules, 1965. His contention is that a regular charge sheet was not prepared and served on him and no documents have been supplied in support of

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imputations of misconduct. There is an admission on the part of the applicant that certain errors and mistakes had crept in during the process of preparation of the selection panels but according to him this happened entirely due to non-availability with him of the standing instructions regulating the procedure for selection of personnel. His contention is that he asked the CEMZ to supply the details of the said instructions but the same was never supplied. The applicant has, in the circumstances, indirectly but clearly, admitted that the mistakes that had crept in, as mentioned above, had crept in because of lack of full and detailed information regarding the procedure for selection.

4. I have perused the Presidential order dated 30.12.98 impugned by the applicant. It does enumerate various points made by the applicant in his representation dated 26.12.97 but no attempt has been made to meet the points made by him in detail. It has been stated simply that the President is not convinced by the contentions raised by the applicant. It has also been mentioned in the impugned order that the applicant was duty bound to operate the recruitment process in accordance with the rules and regulations and if he did not have the rules and regulations with him, he should have obtained the same from other establishments or from the office of the CEMZ. There is force in this argument. The applicant is a senior officer and he would have been perfectly within his rights to ask for the supply of a copy of the rules and regulations before starting the process of selection. He failed to do so and has

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admitted that because of this mistakes did take place in preparing the select panels.

5. The penalty imposed is minor and is limited for a period of one year only. There is no ~~convincing~~ <sup>convincing</sup> ground to interfere in the matter mainly because the applicant, who is a senior officer, has himself admitted commission of mistakes. I am inclined to think that the senior officers cannot be allowed to shelter themselves behind such a plea as has been taken by the applicant. He should have behaved much more responsibly than he did, and the mistakes were admittedly committed.

6. In the result, the OA fails and is dismissed without any order as to costs.

(S.A.T. Rizvi)  
Member (A)

/sunil/