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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 110 of 1989

Date of Decision: 8th February, 1994

Hon'ble Shri J. P. Sharma, Member (J)
Hon'ble Shri B. K. Singh, Member (A)

Shri Bhim Sain
S/o Shri Chanana Singh
R/o A-1A/49-A, Janakpuri
NEW DELHI

... Applicant

By Advocate None

Versus

1. Secretary
Department of Communication
Telecom Board
Sanchar Bhawan
20 Ashoka Road
NEW DELHI

2. General Manager (Maintenance)
Northern Telecom Region
Kidwai Bhawan
NEW DELHI

... Respondents

By Advocate None

O. R. D. E. R.
(O R A L)

Hon'ble Shri J. P. Sharma, M(J)

The applicant has been working as Junior Telecom Officer in the office of the General Manager (Maintenance), Northern Telecom Region, New Delhi when he was served with a Charge Sheet under Rule 16 of the CCS(CCA)Rules, 1965 dated 5.6.1986. The charges against the applicant were that (i) he was found counting cash of the CCB PCOs along with a Lineman in absence of SDO, by the Vigilance Officer on 1.4.86, while functioning as Junior Engineer(Phones), Sub Division I RG, and (ii) he did not maintain a separate TNF register

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Register and subscribers were not informed about in most of the cases. The applicant had submitted his explanation dated 16th June, 1986 (Annexure-3). The disciplinary authority, after considering the representation of the applicant, passed an order dated 14.2.1987 (Annexure A-4) and imposed the penalty of stoppage of two increments without cumulative effect. The applicant preferred an appeal to the Area Manager (W), MTNL, Narain Vihar, Naraina, New Delhi, the competent authority and the Appellate Authority, vide order dated 18.9.87 dismissed the appeal. The applicant preferred a revision petition against the order of Appellate Authority to the competent authority Member (P) Telecom Board who rejected the same vide order dated 18th July, 1988.

2. The applicant has assailed all the aforesaid following orders and prayed for the grant of relief:-

- to quash the orders dated 18.7.1988 (Annexure A-1) and 14.2.1987 (Annexure A-4) of the Disciplinary Authority imposing the punishment and subsequent rejection of the appeal vide letter No. AM(W)/DYAM/Disc/Bhim Sen/JE/20 dated 29.9.1987 (Annexure A-6).

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3. The respondents contested this application and opposed the grant of relief on the ground that the applicant has admitted the charges in his reply and a lenient view has been taken against him. The applicant was given due opportunity and the Tribunal cannot sit as an Appellate Authority to judge the quantum of punishment or enter into the appreciation of evidence and the application be dismissed.

4. None is present on behalf of the parties and since this is an old matter, we propose to dispose of the same on merits.

5. The first ground taken is that the order of the Disciplinary Authority is in violation of the rules, in as much as the Disciplinary Authority has not given as to which rule has been violated by the applicant. We have gone through the order of the Disciplinary Authority of February, 1987. The applicant has himself admitted that CCB Boxes were defective. Regarding maintenance of TNF Register and sending registered notices to the subscribers, the applicant has shown ignorance of the departmental rules. The applicant has already put in, according to the Disciplinary Authority, services with the respondents of a number of years and he is expected to know the rules that the CCB PCOs are to be opened and the amount to be counted in presence of the SDO(Phones).

6. The second contention is that the punishment by the Disciplinary Authority is in ignorance of the departmental rules, and no such rule has been mentioned in the charge Sheet. However, the charge against the applicant was that he did not adopt the procedure prescribed according to the rules.

7. The third contention of the applicant is that the instructions are only administrative in nature. However, these administrative instructions, unless they are contrary to the statutory rules, have the same sanctity of law and are to be observed in letter and spirit.

8. The applicant has also challenged the orders of Appellate Authority as well as of Revisional Authority on the ground that these orders do not show the application of mind. A perusal of the order of the Appellate Authority (Annexure A-6) goes to show that the Appellate Authority has fully considered all the defence taken by the applicant during the appeal and therefore he has upheld the orders of the Disciplinary Authority. Similarly, the Revisional Authority (Telecom Board) has gone through the evidence, discussed the same including the grounds taken by the applicant and upheld the order of the Appellate Authority.

9. We do not find any substance in the present application as the applicant has been held to be guilty of misconduct under Rule 3(1)(i), (ii) & (iii) of CCS(Conduct) Rules, 1964.

10. The application is devoid of merit and therefore it is dismissed accordingly. No costs.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (J)

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