

1040  
Case No. OA 1040/1988

M.C. Aggarwal Vs. U.O.I. & others

3-6-1988

Present:- Applicant in person.

ORDER:-

Vide order dated 13th of March, 1985  
(copy Annexure-2) the following warning was administered  
to the petitioner by the Chief Engineer (Vigilance):-

"Shri M.C. Aggarwal, Assistant Engineer, while working as Assistant Surveyor of Works in Jammu Central Division, C.P.W.D. Jammu sent a complaint vide his letter, dt. 13-12-82 direct to Central Vigilance Commission alleging "Bogus payment of the order of about Rs. 15,00 lakhs to Bharat Construction Co. by Jammu Central Division, C.P.W.D. Jammu". The allegation had been examined and found to be baseless. Shri Aggarwal by his act of sending false allegations against his superior officer behaved in a manner unbecoming of a Govt. servant. Shri M.C. Aggarwal is, therefore, warned to avoid sending such references direct to higher authorities and making false allegations against his superior officers. A copy of this memo is also being placed in the personal file of Shri M.C. Aggarwal, Assistant Engineer".

The grievance of the petitioner is that the warning amounts to a punishment inasmuch as it changes his service conditions. However, he concedes that on a representation made by him against the aforesaid warning, his Efficiency Bar which had been withheld earlier was allowed to be crossed. In other words after this warning the petitioner has been permitted to cross his Efficiency Bar. Even otherwise the 'warning' is not one of the recognised penalties and it is well known under the Conduct Rules that

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the Government servants cannot make complaints to the higher authorities against the acts of their immediate bosses. The application being devoid of any merit is dismissed in limine.

✓ 3/6/88  
(Birbal Nath),  
AM

J. D. Jain  
(J. D. Jain),  
VC