



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No.2208/2020  
M.A. No. 2803/2020**

**This the 13<sup>th</sup> day of January, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Vivek Kumar Gaur,  
Age-53 years,  
S/o Shri Moti Chandra Gaur,  
India Information Service, Group A,  
R/o X-15, Hudco place,  
Andrews Ganj, New Delhi – 110049.

... Applicant

(through Mr. Raj Kishor, Advocate)

**Versus**

1. Government of India,  
Ministry of Information and Broadcasting,  
A wing, Shastri Bhawan, New Delhi,  
Through its Secretary.
2. Union Public Service Commission,  
UPSC Bhawan, Shahjahan Road,  
Delhi – 110069.  
Through its Chairman.

... Respondents

(through Mr. Naresh Kaushik and Mr. Sandeep Tyagi,  
Advocate)

**ORDER (Oral)****Justice L. Narasimha Reddy, Chairman:**

The applicant is working in the Directorate of Film Publicity (DFP), Dehradun, in the Ministry of Information and Broadcasting. A charge memo was issued to him on 07.03.2016 alleging that he comes to the office in drunken condition and that several complaints in this behalf were received. The applicant submitted an explanation to the charge memo. Not satisfied with that, the disciplinary authority appointed an Inquiry Officer. After conducting a detailed inquiry, the Inquiry Officer submitted his report on 30.8.2017, holding that the charge framed against the applicant is proved. A copy of the same was made available to the applicant. After receiving the explanation to that, the matter was forwarded to the UPSC for its advice. Through the covering letter dated 24.04.2019 the UPSC tendered its advice for imposition of punishment of reduction to a lower scale for a period of three years. A copy of that letter was made available to the applicant. On a consideration of the reply submitted by him, the disciplinary authority passed an order dated 22.08.2019, imposing the punishment of reduction to a lower stage in

the time scale by one stage to be imposed for a period of three years. It was further directed that the applicant will not earn increments while the punishment is in course. This OA is filed challenging the punishment order dated 22.08.2019, the report of the Inquiry Officer dated 30.08.2017 and the advice tendered by the UPSC dated 24.04.2019. The applicant contends that though, the inquiry was conducted, certain important documents were not furnished and thereby a serious prejudice was caused to him. It is stated that the allegations against him are baseless.



3. We heard Shri Raj Kishor, learned counsel for applicant and Shri Sandeep Tyagi and Shri Naresh Kaushik counsel for respondents.

4. It is rather unfortunate that a person holding the post of Director which is almost the administrative head in that concerned establishment, has chosen to come to the office in a drunken condition. It is not even the occasional. The articles of charges speak for themselves. They read as under :-

Statement of article of charge framed  
against Shri Vivek Kumar Gaur, Director

(M&C), Press information bureau, New Delhi.

### ARTICLE-I

That some complaints have been received and incidents have come to notice regarding drunken behavior, coming to office in a drunken condition and consuming liquor in office during office hours against the said Shri Vivek Kumar Gaur, a Junior Administrative Grade (Non-Functional Selection Grade) officer of Indian Information Service (IIS) Group A while working as Director, Directorate of Field Publicity, Dehradun presently working as Director (M&C) PIB New Delhi.

That preliminary fact finding enquires have been conducted by Shri Ghanshyam Goel, the then ADG, DFP New Delhi and Shri S.K. Rao, AGD, DFP New Delhi into the above charges made against Shri Vivek Kumar Gaur.

That in both the fact finding enquiries conducted by Shri Ghanshyam Goel and Shri S.K. Rao, it has been established that adequate evidences are there to suggest that Shri Vivek Kumar Gaur, while working as Director DFP Dehradun was in the habit of consuming liquor during office hours as also misbehaving with his subordinates in office. It has been further established in the fact finding enquiries that Shri Vivek Kumar Gaur's contention of levelling of these allegations without any logic does not hold good.

By his above, acts, Shri Vivek Kumar Gaur has acted in manner unbecoming of a Government servant thereby violating rules 3(1)(iii) Rule 22(b) 22 (bb) and 22(c) of Central Civil Services (conduct) rules, 1964."





5. The applicant denied the same. Therefore, the disciplinary authority appointed the Inquiry Officer. During the course of the inquiry, as many as seven witnesses were examined. All of them have deposed that the applicant is in the habit of attending the office in a drunken condition. One of the witnesses, Mr. Vijender Kumar, driver has deposed that on the night, intervening, 20<sup>th</sup> and 21<sup>st</sup> May 2013, he was called at 02.35 hrs. by the wife of the applicant and asked him to pick up the applicant from office and bring him to the home. It is further stated that when he reached the office, he found that the gate was locked and after he broke up the gate, he found the chowkidar Shri Nagender Singh was with bandage on his head. This was said to be result of the behaviour of the applicant in drunken condition. Almost all the witnesses spoke to the factum of the applicant being in the habit of coming to the office in drunken condition. In addition to these witnesses, some private individuals were also issued notices, but they did not appear.

6. The documents relied upon the inquiry included the complaint of one Shri Ashok Kohli, Councillor, Municipal Corporation, Dehradun. Another is the medical report dated 21.05.2014 issued by the Emergency Medical Officer

indicating that the applicant was arrested by the police and his having been found in drunken condition. The worst thing is that copies of press clippings received with a note for the Prime Minister's office on 07.04.2015 and the report dated 08.10.2015 filed by the Inspector In-charge, Kotwali Nagar Police Station, Dehradun. The only objection raised by the applicant is that they were not filed in original. It is not known as to how the originals made part of record.



7. Ultimately, the inquiry officer held that the applicant is in the habit of consuming alcohol in the office hours and making nuisance in the office, during working hours and public, and held that the article of charge is proved. There cannot be a more shameful act on the part of an official, than to consume liquor in the office hours. Not only he would turn out to be of no use to the Department, but also would become a source of nuisance, preventing others from discharging the duties. The result would be that the reputation of the public officer would be completely tarnished.

8. We are of the view that the punishment imposed against the applicant is too mild. We do not find any merit in the OA and the same is accordingly dismissed.

Pending MA No.2803/2020 shall stand disposed.

There shall be no orders as to costs.



**(Mohd. Jamshed)**  
**Member (A)**

*lg/rk/ankit/sd*

**(Justice L. Narasimha Reddy)**  
**Chairman**