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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 585/86
T.A. No.

198

DATE OF DECISION 29-7-1991

Shri Sushil Kumar Applicant (s)

Shri S.K. Sawhney Advocate for the Applicant (s)

Versus

Union of India & Ors. Respondent (s)

Mrs. Raj Kumari Chopra Advocat for the Respondent (s)

CORAM :

The Hon'ble Mr. ~~Justice~~ U.C. Srivastava, Vice Chairman

The Hon'ble Mr. I.P. Gupta, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

(of the Bench delivered by
Hon'ble ~~J~~ Shri U.C. Srivastava)

The applicant who was working as Assistant Director in the Small Industries Service Institute Extension Centre (Sports Goods), Government of India, Ministry of Industries, Industrial Area, Jalandhar City-4 has approached this Tribunal against the order of Censure which was awarded to him after departmental proceedings. A charge

6

19

sheet was issued to the applicant on 17.3.82 with the allegation in Article-I, that during the year 1979, the applicant misused the official position in the matter of supply of the machine by M/s A. Singh & Co. to B.S.L.I.D. Corporation Ltd. as a result of which the firm lost in terms of credit and reputation. The applicant faces this charge for violation of the CCS(Conduct) Rules. The Departmental enquiry against him was conducted and the copies were not served to him. The inquiry officer in his report held Article I of the charge as proved and Articles II, III & IV as not proved. The Disciplinary Authority has agreed with the findings of the Inquiry Officer and inflicted the penalty of Censure. The appeal and review application were summarily rejected.

In exercise of powers conferred by Rule 15 of the Central Civil Services Rules, 1985, orders inflicting penalty of censure was imposed upon Shri Sushil Kumar, Assistant Director, Grade-I, Industries Extension Centre, Jullunder.

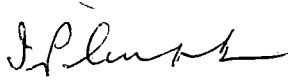
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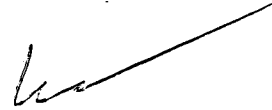
11

The contention is that, the case started from major penalty and the charge sheet was framed under Rule-14. But ultimately it took place under Rule-16 and penalty was awarded to him. But the punishment awarded to him was a minor penalty under Rule-15 which was ordered after consulting UPSC. The applicant has also urged that the Inquiry Officer did not give him fair opportunity of being heard and further disciplinary officer has not applied his mind and relevancy on the actual findings himself. As such the disciplinary authority is directed to pass his speaking order in the fitness of things on application of his mind on the report of the inquiry officer.

Let the speaking order in his behalf be made either in this way or that way but within a period of 3 months from the date of communication of this order.

There shall be no order as to costs.


(I.P. GUPTA)
MEMBER


(U.C. SRIVASTAVA)
VICE CHAIRMAN