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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1540 198 7
T.A. No.

DATE OF DECISION 16.11.87

Shri Anil Ranjan Dutta **Petitioner**

Shri Subhash Vidyalkar, **Advocate for the Petitioner(s)**

Versus

Union of India **Respondent**

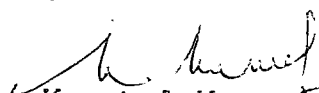
None **Advocate for the Respondent(s)**

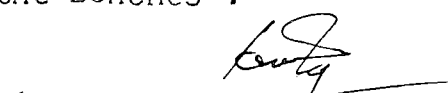
CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches ? No


(Kaushal Kumar)
Member
16.11.87


(K. Madhava Reddy)
Chairman
16.11.87

(2)

Central Administrative Tribunal
Principal Bench: Delhi

Regn.No.CA 1540/87

Date of decision: 16.11.87

Shri Anil Ranjan Dutta Applicant

Vs.

Union of India Respondent

Coram: Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member

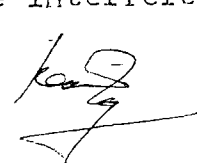
For the Applicant Shri Subhash Vidyalkar,
Counsel

For the Respondents None

(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

This is an application under Section 19 of the Administrative Tribunals Act, 1985, calling in question the minor penalty imposed upon the applicant. In the enquiry three charges were held proved. One of the charges was that the applicant had misutilised his official position inasmuch as he unauthorisedly issued an order placing Shri A.K.Vohra ASW in Civil Construction Wing under suspension with effect from 4.1.1983.

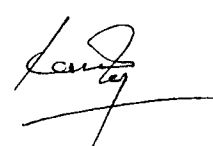
2. The applicant is a Section Officer in substantive capacity in the Directorate General, All India Radio, New Delhi. During the period from July 1982 to January 1983 he was posted in the Civil Construction Wing of the Directorate as Section Officer when the order of suspension of Shri A.K.Vohra was made. Disciplinary proceedings were initiated against the applicant in respect of three charges. He was asked to make a written representation against the charge. He was placed under suspension vide order dated 18.1.83 and after he submitted his representation he was visited with the order of withholding of one increment. The written representation submitted by the applicant does not find a place on record before us. However, from what he has stated in paras 6.8 to 6.12 of his application it is clear that he was not happy with his posting and with the interference



of Shri A.K.Vohra in his own work and in the work of the staff under his charge. In para 6.10 he avers that " some time during October-November 1982 the said Shri A.K.Vohra took away from Mr.Behl, Assistant, the keys of the Steel Almirah meant for keeping confidential and classified documents of the Section without the prior knowledge and approval of the applicant or his superior officer Mr.A.E.K. Mudaliar, Engineer Officer of the Civil Construction Wing, All India Radio".

3. In para 6.11 he further states that " on 4th January, 1983 the said Mr.A.K.Vohra entered the section of the applicant and again started to interfere with the work of the Section. He also uttered unbecoming words against the applicant and threatened to throw the applicant down from the second floor of the office building. The applicant tried to pacify him and requested the said Mr.A.K.Vohra to send his requisition in writing so that the applicant may comply with his requirements."

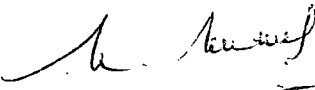
4. In para 6.12 he alleges that" as the entire section was very unhappy and perturbed by high handed, authoritative, unwarranted and unbecoming behaviour of said Shri A.K.Vohra, who had no authority to interfere with the day to day work of the section under the applicant, one of the Assistants stencilled a suspension order without noting it on the file and without the knowledge or approval of the applicant on that very day e.g. the 4th January, 1983 when the said Mr.A.K. Vohra had threatened to and misbehaved with the applicant. The applicant being a chronic patient of hypertension was extremely provoked and mentally perturbed due to the incident on that day. The said suspension order was got signed by the staff in routine at the fag end of the day. The applicant had no inkling to such activity as he was working under heavy pressure and rush of the official work as well as great mental strain."

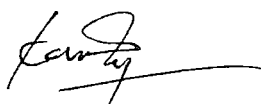


5. Thus the applicant admits having signed the order of suspension. Admittedly he had no authority to sign an order of suspension and communicate it without the orders of the competent authority. Even in his representation to the President of India against his order of suspension he has admitted this fact. He further admitted that "it would be conclusively proved if you kindly take notice that my so called 'order' was never in operation. It was neither withdrawn nor cancelled but the person was never suspended by that alleged order, which was only a scare (in a light vein) and as a resultant action from the constantly provoking colleague". He also further admitted that "..... under a very burden of work and serious provocative situation I failed to ensure due vigilance before putting my signature on such an insignificant and redundant" "

6. In the face of admission, there was really nothing further to inquire in respect of these charges. Any mental strain that the applicant was under does not exonerate him from the responsibility of signing the suspension order which he had neither competence to make nor issue. The applicant is visited with the minor penalty of withholding of one increment only. When the entire period of his suspension has been regularised and full pay and allowances have been allowed to him he can have no grievance. In fact we should think the Respondents have acted with great restraint and find no reason to interfere with the impugned order.

7. In the circumstances, the application is dismissed with no order as to costs.


(Kaushal Kumar)
Member
16.11.87


(K. Madhava Reddy)
Chairman
16.11.87