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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No.1560/87

Date of decision:24.03.93

Shri Arjun Dev ... Petitioner
versus

Union of India through
Secretary,
Department of Supply & anr. ... Respondents

CORAM:- THE HON'BLE MR.JUSTICE V.S.MALIMATH, CHAIRMAN
THE HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

For the Petitioner ... None.

For the Respondents ... Sh.R.Doraiswami, Counsel.

ORDER(ORAL)
(By Hon'ble Mr.Justice V.S.Malimath, Chairman)

None appears for the petitioner. Shri R. Doraiswami, learned counsel, appears for the respondents. As proper to this is a very old matter, we consider it, look into the records, hear the learned counsel for the respondents and dispose of the matter on merits.

2. The petitioner, Shri Arjun Dev was holding the post of Deputy Director in the Directorate General of Supplies and Disposals, New Delhi. A disciplinary enquiry was held against him alleging certain misconducts consisting of falsification of records, showing favour and thus exhibiting lack of integrity. The allegation is that a soil stabiliser was required to be disposed of by inviting tenders. It was duly notified on 30.1.85 in the papers that tenders would be opened on 18.2.85. The date of receipt of tenders as also the date of opening was to be the same. Before taking a decision in regard to the acceptance of the tenders, it was felt necessary to have the report of the Assistant Inspector in regard to the value of the article to be disposed of as that is the practice, for purposes of protecting the interests of the administration. As this was not done for one reason or the other, the date of opening of the tenders was postponed to 16.3.85.

The petitioner who was a Deputy Director was responsible for the opening of the tender. He appears to have made a proposal to the Director to make further postponement to a date in April to enable the assessment of the article made in the meanwhile. The Director appears to have pointed out that the request made was not proper as the date suggested was beyond the Financial Year. After receipt of reply from the Director, the petitioner was required to take steps to fix suitable date on or before 31.3.1985. The records, according to the administration, have been concocted to make them appear that the petitioner took a decision on 4.3.1985, fixing the date for opening the tender as on 16.3.1985 and duly informed all the persons, particularly those who had purchased the tender forms earlier. On 16.3.1985 also, two tender forms were sold and on receipt of the tender forms, one of them was accepted by the petitioner. The allegation of the department is that the postponement was not made by the Deputy Director on 4.3.1985 and it was also not duly notified to those who had already purchased the tender forms. The allegation is that the decision was taken only on 16.3.1985 and on the same date without notifying to the persons who had purchased the forms earlier, the Deputy Director proceeded to issue fresh forms to two persons and took further steps to open the same and accepted one of them. The principal allegations are that the records do not speak the truth inasmuch as they have been concocted by the petitioner, who made them appear as everything was done in order by taking a decision to fix the date on 4.3.1985 and notifying all the persons concerned. The petitioner was given adequate opportunity of defending himself. Inquiry Officer was appointed for the

purpose. After holding a proper enquiry, considering the evidence produced he held the charge levelled against the petitioner duly proved. By accepting the said report, the disciplinary authority passed the impugned order of dismissal from service. This was done after consultation with the Union Public Service Commission which has concurred with the proposed action.

3. As the petitioner was not present on the last occasion also, having regard to the nature of the allegations, we thought it proper to satisfy ourselves about the truth of the matter. We, therefore, directed the original record to be placed before us. Accordingly, Sh. Doraiswami has secured all those records and produced before us. We have perused the same. We are satisfied that the Inquiry Officer's report was supported by the material on record and the inference drawn is proper. We are also satisfied that the principles of natural justice have been complied with and all the formalities have been duly followed. We, therefore, see no infirmity in the procedure followed in the matter of conduct of the enquiry. So far as the finding on merits is concerned, we are of the view that no interference is called for. As the finding was that of lack of integrity on the part of a responsible officer like the Deputy Director, it cannot be said that the dismissal from service is a penalty which is unreasonable or excessive. Hence, we see no good ground to interfere. Accordingly, the petition fails and is dismissed.

B. N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER(A)

V. S. Malimath
(V.S. MALIMATH)
CHAIRMAN