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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

Dated Friday the twentieth day of January, one thousand  
nine hundred and eighty nine.

PRESENT

Hon'ble Shri S.P. Mukerji - Vice Chairman

ORIGINAL APPLICATION No.1055/87

V.K. Gupta                      .. Applicant

Versus

1. Union of India through  
Secretary, Department of  
Statistics, Ministry of  
Planning, New Delhi.

2. The Under Secretary  
(Shri Mukul Roy),  
Department of Statistics,  
Ministry of Planning,  
New Delhi.

.. Respondents

Applicant in person.

Counsel for the respondents: Smt. Rajkumari Chopra

O R D E R

Hon'ble Shri S.P. Mukerji, Vice Chairman

Shri V.K. Gupta, Sr. Investigator of the

Central Statistical Organisation of the Department of  
Statistics has filed this application dated 25.7.87 under  
Section 19 of the Administrative Tribunals Act praying  
that the warning order dated 14.4.87 should be set  
aside. It appears that while working in the Research  
and Reference Division of the Central Statistical Organisat-  
ion at Patel Bhavan he was transferred to another Division  
of the same organisation situated a few kilometres away  
in New Delhi. He represented on 15.12.86 against the

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transfer and in his representation he made some adverse comments against his Assistant Director. A Memorandum dated 28th January, 1987 was served on him indicating that the allegations made by him in his representation against the Assistant Director were found to be baseless and that he <sup>had been</sup> ~~is~~ found to have committed some acts of misconduct while working in the Research and Reference Division which are unbecoming of a Government servant. These acts referred to his resenting against allocation of work, his refusal to accept written note from the Assistant Director, his avoidance and delaying work assigned to him and his misconduct by alleging incompetence on the part of his Assistant Director. He submitted his explanation to the Memorandum on 9.2.87 after considering which the impugned order was passed in the following terms.

MEMORANDUM

Subject: Acts of misconduct committed by Shri V.K. Gupta, Senior Investigator, while working in the Research and Reference Division of CSO.

Shri V.K. Gupta, Senior Investigator, Central Statistical Organisation, New Delhi, is informed that his explanation dated 7.2.87 for the acts of misconduct listed in this Department's Memorandum of even number dated 9th Feb. 1987 has been considered very carefully by the Competent Authority but the same has not been found satisfactory.

2. The competent authority has therefore decided that Shri Gupta may be warned to be careful and avoid such lapses in future. Accordingly Shri V.K. Gupta is warned to be careful and to avoid such lapses in future.

3. The competent authority has also decided that a copy of this Memorandum may be kept in the CR. Dossier of Shri V.K. Gupta".

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2. His appeal was rejected by a non-speaking order. According to the applicant the impugned warning was passed due to malafides <sup>because</sup> ~~and~~ he had represented against his transfer and was in relation to <sup>some</sup> ~~the~~ alleged conduct of his, which was in 1986, whereas the Memorandum was served on him long thereafter.

3. The respondents have stated that the applicant's representation against the Assistant Director was enquired into by the Deputy Director and it was found that the allegations made by the applicant against the Assistant Director were factually not correct. The report of the Deputy Director also reveal certain <sup>conduct</sup> ~~actions~~ on the part of Shri Gupta which was blameworthy. A Memo was served on him on 28th January <sup>1987</sup> to explain why suitable action should not be taken against him "for the acts of misconduct listed in the Memo." The respondents have further mentioned in the Counter Affidavit that "this memo was not a memorandum of charges for penalties under Rule 16 of the CCS (CCA) Rules but an administrative Memo <sup>for</sup> ~~was~~ seeking explanations of Shri Gupta for certain acts of mis-conduct on his part which came to the notice of the administration while investigating certain allegations made by Shri Gupta himself. After duly considering the explanation given by Shri Gupta, a recordable warning was issued to him vide Memo dated 14th April 1987 with the approval of the Director General, CSO." (Emphasis added)

5/24/20.1.89  
(S.P. MUKERJI)  
VICE CHAIRMAN

(S. P. MUKERJI)  
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