

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No.1169/91

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 27th day of July, 1995

Shri P.C.Verma
S/o Shri Chokhey Lal Verma
r/o H.No.33/160
Jatpura
P.S. Loha Mandi
Agra.

... Applicant

(None for the applicant)

Versus

Union of India : through:-

The Secretary
Govt. of India
Ministry of Defence
South Block
New Delhi.

The Director General of Ordnance Services
Master General of Ordnance Services
Army Headquarters
New Delhi.

The Officer-in-charge
Army Ordnance Corps Records
Post Box No.3
Trimulgherry Post
Secunderabad.

The Administrative Officer
Central Ordnance Depot.,
Agra.

Lt. Col. N.K.Sondhi
(Ex-Adm. Officer, COD Agra)
through Chief of the Army Staff
Army Headquarters
New Delhi.

... Respondents

(By Mrs. Meera Chhibber, Advocate)

O R D E R (Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

A minor penalty of withholding increment of pay for three years, **imposed** by the fourth respondent on the applicant under Rule-16 of the CCS (CCA) Rules, 1965 by order



dated 18.8.1989 and the appellate order of the fifth respondent dated 10.5.1990 rejecting the appeal are under challenge^L in this application.

2. The allegation contained in the notice ^{under} ~~L~~ the Rule-16 of the CCS (CCA) Rules ~~XXXXXXXXXXXXXXXXXX~~ dated 12.7.1989 was that the applicant while posted as Upper Division Clerk in RSSD Section, COD Agra on 12.7.1989, without permission from the competent authority, entered in the finance section and abused the staff by using filthy language. On receipt of the above, the applicant gave an application stating that the charges framed were vague, that he wanted access to the documents on the basis of which the charges ~~was~~ was framed, and that he ~~sh~~ould be heard in person, so that he could produce his eye witnessess before the competent authority. However, after consideration of the reply submitted by the applicant, the competent authority called the applicant to appear before him. As the applicant did not appear, the fourth respondent, finding him guilty, imposed a penalty on the applicant of withholding of increments for three years. The appeal submitted to fifth respondent was considered and rejected.

Aggrieved by the ^{order} ~~L~~ imposing the penalty and the rejection of the appeal, the applicant has filed this application. The main ground on which the applicant seeks to assail the impugned order^s is that the fourth respondent is not the disciplinary ^{competent} authority ~~L~~ to impose penalty on him, that the fourth respondent has intentionally ignored the request of the applicant for inspection of documents, that the penalty was imposed without giving him reasonable opportunity to defend himself and that the disciplinary authority intentionally ignored the applicant's request for personal hearing and has passed the impugned order in a ~~mechanical~~ manner without application of mind. It is also stated that the fifth respondent has pssed

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the impugned order because of personal grudge against him. When the application came up for final hearing today, the applicant did not appear. None appeared for him. Mrs. Meera Chhibber appeared for the respondents. We have perused the application and the reply filed by the respondents. The respondents have contested in their reply statement as per the Presidential Order dated 13.8.1979, the fourth respondent is fully competent and authorised to impose minor penalties on, centrally/locally controlled Class 'C' & 'D' Civilian employees of the department. There is no denial of this specific averment in the reply by the applicant. Therefore, the contention of the applicant that the fourth respondent is not competent to impose a minor penalty on him of withholding of increment is not correct.

3. The case of the applicant that the charge levelled against him also is untenable because the allegation was that he, ~~was~~ without permission by the competent authority entered the finance section and abused the entire staff particularly one Shri H.C.Pandey and Shri C.L.Kadam. The applicant has not shown any basis for the claim that the respondent has no locus-standi to impose the penalty. Hence that contention has to be rejected. Coming to the contention of the applicant that disciplinary authority has ignored his request for inspection of documents and personal hearing, it is also made clear in the reply that the fourth respondent had called the applicant twice to his office for perusal of the documents and also for personal hearing, but the applicant did not turn up. Therefore, the applicant cannot have any legitimate grievance that he was not called for personal hearing although, and that he was not allowed to peruse the documents.

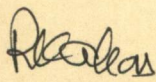
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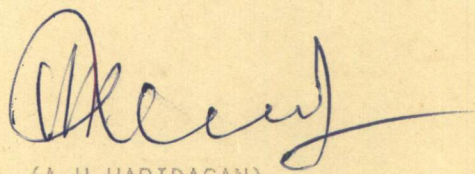
4. The further contention that the fourth respondent has not applied his mind to the circumstances of the case is also incorrect because the impugned order issued by the fourth respondent states that he has perused the relevant material. The argument that the fifth respondent has ~~also~~ grudge towards the applicant has ^{been} specifically denied by the respondents in their reply. **This is not refuted by the applicant.**

5. In the conspectus of the facts and circumstances, we have convinced that the penalty of withholding of increments for three years have been rightly awarded to the applicant by the fourth respondent who is ^{the} competent authority in conformity with the provisions of the Rule 16 of the CCS (CCA) Rules, 1965.

6. In view of the above, we dismissed the application. There shall be no order as to costs.


(R.K. AHOOJA)
MEMBER(A)

/RAO/


(A.V. HARIDASAN)
VICE-CHAIRMAN(J)