

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1674 of 1993

(b)

New Delhi, this the 8th day of July, 1999

HON'BLE MR.JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN(J)  
HON'BLE SHRI N.SAHU, MEMBER(A)

Shri Jarnail Singh  
Son of Shri Sohan Singh  
Working as Senior Accountant  
in Office of the Pay & Accounts Officer  
Directorate of Printing,  
Ministry of Urban Development,  
Jam Nagar House, New Delhi and residing at  
F-398, Inder Puri, New Delhi.

-APPLICANT

(By Advocate: None)

Versus

1. Union of India, through its  
Secretary,  
Ministry of Urban Development,  
'C' Wing, 1st Floor, Nirman Bhawan,  
New Delhi-110 011.
2. The Joint Secretary(Finance)  
Ministry of Urban Development,  
'C' Wing, 1st Floor, Nirman Bhawan,  
New Delhi-110 011.
3. The Chief Controller of Accounts,  
Ministry of Urban Development  
'B' Wing, 2nd Floor, Nirman Bhawan,  
New Delhi-110011.

-RESPONDENTS

(By Advocate: Shri V.S.R.Krishna)

O R D E R (ORAL)

By Hon'ble Shri N.Sahu, Member(A)

Heard Shri V.S.R.Krishna, learned counsel for  
the respondents. None appears for the applicant.

2. The O.A. is directed against the order dated 21.11.90 passed by respondent no.3 imposing the penalty of reduction in rank and the order dated 12.8.92 passed by respondent no.2 converting the penalty of reduction in rank to that of withholding of five increments. The basic facts leading to the above punishment are briefly as under.

*Prasanna*

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3. Inquiries revealed that the applicant was allotted flat no.H-407,Kali Bari Marg,New Delhi. The applicant worked as Senior Accountant in the Office of Pay and Accounts Officer (UD),Jam Nagar House,New Delhi. In his statement dated 25.12.88 recorded under Section 108 of the Customs Act,1962, Shri Jagtar Singh stated that he was a tenant in the above quarter and the accommodation was let to him on friendly basis. Later on, one Shri Surjit Singh in his voluntary statement recorded under Section 108 of the Customs Act stated that the tenant Jagtar Singh had been paying Rs.2,000/- per month. The applicant also in a statement dated 27.12.88 confirmed the payment of rent by the tenant.

4. The grounds taken by the applicant against the impugned appellate order are that there was double jeopardy because the Directorate of Estate have imposed the penalty of debarment from allotment for a period of five years under the provisions of Allotment of Govt. Residences (General Pool in Delhi) Rules,1963 and on the other hand, the impugned penalty order has been passed under the Conduct Rules. It is next urged that the impugned penalty order is passed on mere executive instructions and that the alleged subletting of Govt. residence did not constitute a misconduct. He referred to certain discrepancies pointed out in the Inquiry Officer's report. He finally stated that he was never allowed in the witness box to give his self defence and he was not confronted with the evidence collected from different departments.

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5. We have consulted the pleadings on record and heard Shri Krishna, learned counsel for the respondents. We notice that the appellate authority in its order dated 12.8.92 has dealt with the above grounds except the ground of double jeopardy. He had met each of the contentions. We are satisfied that the applicant had been furnished all the material collected by the respondents. The appellate authority had rightly used the material collected under Section 108 of the Customs Act. With regard to double jeopardy, we don't subscribe to the contention of the applicant. The debarment for five years is under a different enactment. There is an appellate procedure against that order. The impugned order is under the conduct rules. The applicant was holding a very responsible position and he is expected to abide by the rules. He cannot derive income out of subletting Govt. accommodation. This is prohibited under the Accommodation Rules and is a necessary pre-condition, before the allotment is given to a Govt. servant. The appellate authority has considered all the circumstances and considering the debarment of further allotment for five years, he modified the penalty order and reduced it to reduction of pay by two stages only. We are satisfied that the procedure for levying penalty is complied with. The applicant had been given proper opportunity of being heard. His defence has been considered and even the rigour of the penalty imposed by the disciplinary authority has been reduced by the

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appellate authority. We do not find any infirmity in the impugned order of the appellate authority. We therefore find no scope for judicial interference. The O.A. is dismissed.

Karansinha Sahu  
( N. SAHU )  
MEMBER(A)

/dinesh/

Unopposed  
( V. RAJAGOPALA REDDY )  
VICE CHAIRMAN(J)