

## CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1706/93

New Delhi, this 2nd day of July, 1999

Hon'ble Shri V. Rajagopala Reddy, VC(J)  
 Hon'ble Shri S.P. Biswas, Member(A)

S.S. Dayal Sharma  
 104, Street No.5  
 Krishan Nagar, New Delhi-29 .. Applicant

(By Shri R.K. Shukla, Advocate)

versus

Union of India, through

1. Secretary  
 Cabinet Secretariat  
 New Delhi
2. Additional Secretary  
 Cabinet Secretariat  
 New Delhi .. Respondents

(None)

ORDER(oral)

Hon'ble Shri Justice V. Rajagopala Reddy

We have gone through the records and we *CM dispose of* describe the matter as *CM Memo:* below: This is an application questioning the orders passed by the disciplinary authority directing recovery of Rs.1000 from the applicant. Applicant was working as Driver and the following article of charges have been framed against him:

"That the said Shri S.S.Dayal Sharma, SFA(MT) and Shri D.R.Yadav, SFA(MT) working as Drivers in the Training Institute obtained the key of the vehicle No.DEC 6395 from the guard on duty on 10.5.91 between 6.30 PM to 10 PM on the false pretext of having obtained permission from JS (Trg) for the same. After obtaining the keys of the car, they took it to the railway station to drop Shri D.R.Yadav. While returning from the railway station, the car which was driven by Shri S.S.Dayal Sharma, met with an accident near Minto Bridge, causing extensive damage to the Government vehicle. Shri Sharma failed to report this incident to his immediate superiors till 13.5.91 and tried to cover up this accident.

*CM*


"2. By the above acts of commission and omission Shri S.S.Dayal Sharma, SFA(MT) and Shri D.R.Yadav, SFA (MT) have failed to maintain devotion to duty and acted in a manner which was unbecoming of a Govt. servant thereby contravened Rule 3(i)(ii) and (iii) of CCS(Conduct) Rules, 1964".


2. The applicant had given representation to the charges and an enquiry was held by the enquiry officer, who submitted his report to the disciplinary authority on 14.10.92 concluding that the applicant was guilty of the charges levelled against him. A copy of the report was given to the applicant directing him to submit his representation within 10 days. The applicant submitted his representation wherein he denied the charges. The disciplinary authority having considered the enquiry officer's report and the representation made by the applicant and other materials on record found that the enquiry had been conducted in accordance with the rules and the applicant was given sufficient opportunity to defend his case. The disciplinary authority thereafter, having agreed with the findings of the enquiry officer, held that due to negligence of the applicant the staff car met with an accident and an amount of Rs.1700 was incurred from the government exchequer on its repairs. In view of the above findings, a punishment was imposed under Rule 15 of CCS(CCA) Rules and an amount of Rs.1000 was ordered to be recovered from the applicant. Agrieved by the above order, an appeal was filed by the applicant which was also dismissed by the appellate authority confirming the disciplinary authority's

order. Questioning the orders passed by the disciplinary and appellate authorities, applicant has approached this Tribunal.

3. The grounds taken by the applicant in the OA are that the enquiry authority has failed to substantiate the charges against him and that the recovery of the amount of Rs.1000 is not tenable.

4. We do not agree with the grounds taken by the applicant. The disciplinary authority has gone through the enquiry report and after agreeing with the findings of the enquiry officer and after having given opportunity of making representation and considering the same, he passed the impugned order of recovery from the applicant. The appellate authority has also considered in detail the grounds taken by the applicant and confirmed the order of the disciplinary authority. We find that the enquiry has been held in accordance with rules and that the punishment imposed is in tune with the gravity of misconduct and therefore we do not want to interfere with the impugned orders. In the circumstances, we find there is no merit in this application and we dismiss the same accordingly. No costs.

  
(S.P. Biswas)  
Member(A)

  
(V. Rajagopala Reddy)  
Vice-Chairman(J)

/gtv/