

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 1712/93

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

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. N. Sahu, Member (A)

D.K. Chopra,
S/o late Shri D.C. Chopra,
R/o 31/20,
Old Rajinder Nagar,
New Delhi.

...Applicant

(By Advocate: None)

Versus

1. Union of India,
through Secretary,
Ministry of Personnel, Public Grievances
and Pensions, North Block, New Delhi.
2. Director,
Central Bureau of Investigation,
Block No. 3, CGO Complex,
Lodhi Road, New Delhi.

...Respondents.

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

ORDER (Oral)

By Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)

None appears for the applicant. Heard the
counsel for the respondents. We have perused the
records.

2. The applicant was an Inspector of
Police. On two charges disciplinary action was
initiated against him. The first charge relates to the
payment of Rs. 7000/- from one Shri P.C. Agarwal as
illegal gratification to release a file lying in
possession of Shri Chopra and the second charge relates



to non-intimation of the aquisition of 1000 units of UTI for Rs. 10,000/- to the competent authority as required under CCS (Conduct) Rules, 1965.

(X)

3. The Inquiry Officer, who was appointed to conduct an enquiry, conducted the Inquiry and he submitted a report holding that only the second charge was proved against the applicant and he was found not guilty of the first charge. The disciplinary authority concurring with the findings of the enquiry Officer imposed the punishment of Censure, by the impugned order dated 25.9.92. The appeal filed was dismissed.

4. One of the grounds raised was that the enquiry was not conducted in accordance with the rules. Learned counsel for the respondents denies the contentions. It is seen from the proceedings that enquiry was conducted under the DSPE Subordinate Ranks, Discipline and Appeal Rules, 1961 which are applicable to the applicant. ^{is merely} But, because a defence assistant was provided to him it cannot be inferred that the 1965 rules were made applicable to him. The impugned order clearly states that under the above Rules the departmental enquiry was conducted and final action taken. By the mere fact that a defence assistant was provided as contemplated in 1965 Rules, it cannot be inferred that the action was taken under the 1965 Rules. In fact, from the record it is seen that the applicant had requested for providing an assistant in the enquiry. It is next submitted by the applicant in the OA that the inquiry was conducted by an officer who was not competent under law. Hence the proceeding is vitiated. The order was passed by the Dy. Director


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(Administration) C.B.I who is stated to be of the rank of D.I.G. Under the CBI Disciplinary and Appeal Rules the DIG is the competent authority. Since the disciplinary authority who has taken action in this case was none other than the DIG himself. It cannot be said that the order is vitiated on this ground.

5. A ground was raised that the enquiry officer has not furnished the relevant records to the applicant and that there was no proper show cause notice before awarding punishment.

6. We have perused the report of the Enquiry Officer and the disciplinary authority's order. The Enquiry Officer considering the evidence on record concluded that the applicant was guilty on the second charge concurring with the findings of the Enquiry Officer. The disciplinary authority, found the applicant guilty and passed the punishment of censure. The Appellate Authority also considered the grounds raised by the applicant and dismissed the appeal. We do not find that the impugned orders are in any way vitiated. We also do not consider that the punishment imposed to the applicant are disproportionate with the misconduct. There is no reason to interfere with the Impugned order.

7. O.A. is, therefore, dismissed. No costs.


(N. SAHU)
Member(A)


(V. RAJAGOPALA REDDY)
Vice-Chairman (J)

cc.