

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. No. 1727/93

New Delhi, this the 15th day of January, 1999

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON'BLE SHRI N. SAHU, MEMBER(A)

(A)

Shri B.R. Sehgal,,
S/o Shri Baja Ram
working as a Senior Accountant
in the office of the Pay & Account Office (NDZ)
Ministry of Urban Development
Y-Shape Building, New Delhi and residing
at 1400-A/1, Govindpuri, 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-110011.
2. The Joint Secretary (Finance),
Ministry of Urban Development
C Wing, 1st Floor, Nirman Bhawan,
New Delhi-110011.
3. The Chief Controller of Accounts
Ministry of Urban Development
B Wing, 2nd Floor, Nirman Bhawan,
New Delhi-110 011.Respondents

(By Advocate: None)

O R D E R (ORAL)

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)

This is a 1993 matter listed at serial number 10 under 'Regular' matters with the caption that cases of the year 1993 and earlier will not be adjourned. None is present for the applicant even on the second call. In the circumstances, we have perused the pleadings.

2. The applicant is aggrieved by the impugned order dated 19.9.91 passed by the Disciplinary Authority and the order dated 24.8.92 passed by the Appellate Authority after holding the disciplinary proceedings against the applicant under Rule 14 of CCS(CCA) Rules, 1965. The disciplinary

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authority in his order has held that the charge levelled against the applicant was proved beyond ^{b 13.}doubt and has ^{13.}imposed a penalty of reduction to the lower post of Accountant in the time scale of pay of Rs.1200-2040 for 5 years. On appeal, the Appellate Authority by impugned order dated 24.8.92, had restored the rank of the applicant to Senior Accountant with reduction of his pay by two stages to Rs.1950/- per month with effect from the date of order passed by the disciplinary authority. Further he has ordered that his increments should be withheld without cumulative effect for five years. We note from Annexure A-12 that the applicant has filed another appeal to the Additional Secretary, Ministry of Urban Development on 9.7.93. This O.A. has been filed on 23.8.93.

3. The respondents have taken a preliminary objection in their reply that the application was premature as the applicant did not wait for disposal of the review appeal filed by him and had rushed to file the O.A. Apart from this, on merits, the respondents have submitted that the enquiry has been conducted in accordance with the relevant rules and the applicant had been given reasonable opportunity to defend his case and, therefore, there was no illegality in the impugned orders. Besides, the appellate authority in his order dated 24.8.92 has recorded as follows:-

"Considering the circumstances of the case, I am of the view that appellant's own admission before the DRI authorities regarding his financial conditions and reasons for subletting his flat twice i.e. to Shri Daliwal, Executive Engineer, DDA and to Shri Jagtar Singh from 15.9.86 to 30.11.88 and 5.12.88 onwards on a monthly rent of Rs.1000/- and Rs.1200/- respectively, is satisfactory proof that he

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is guilty of subletting his Govt. Quarter. In the face of his submissions, his later conduct to notify Dte. of Estates on 19.1.89 that he vacated his Gole Market quarter on the same day seems quite inconsistent. In this case, I also find that a Govt. servant who had waited for 20 years to get an allotment of a quarter in a Central Locality suddenly wanted to surrender his flat after discovery of smuggled gold biscuits, found in his Govt. quarter. The urgency felt by the appellant in surrendering a govt. quarter for which he had to wait for 20 years is certainly not a consistent conduct. Upon the facts and circumstances of the case, I have no reason to disagree with the findings of the disciplinary authority that he is guilty of violating Rule 3(i) (iii) of the CCS(Conduct) Rules, 1964. I found nothing on records also to hold that the disciplinary authority was biased, arbitrary and that he has failed to appreciate the evidences on records. I also cannot hold that evidences on which disciplinary authority relied were frivolous and baseless."

4. It is also noted that the appellate authority has also considered the question of quantum of punishment which the applicant had submitted was too harsh and not commensurate with his misconduct of subletting the Govt. accommodation, on which a separate order had been passed debarring the applicant from Government accommodation for five years. Considering these factors, the appellate authority had reduced the punishment to reduction of pay and restored his rank and had also ordered that his increments should be withheld without cumulative effect for five years.

5. We find no good ground to interfere in the matter as the detailed orders have been passed by the disciplinary authority and the appellate authority, taking into account the relevant facts and rules. We also find that the applicant has been afforded reasonable opportunity of being

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heard in the disciplinary proceedings which has also been conducted in accordance with the relevant rules. In the result, we find no merit in this application. It is accordingly dismissed. No order as to costs.

Karasonbas
(N. SAHU)
MEMBER (A)

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

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