

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2459 of 1993

New Delhi, this the 23rd day of July, 1999

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Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Mr. N. Sahu, Member (Admnv)

Shri Kanti Prasad Gupta son of Shri Ram Saran Dass, employed as Junior Accounts Officer (Central), O/O the Area Manager (Central) M.T.N.L. New Delhi, address for service of notices, C/o Shri Sant Lal Advocate, C-21(B), New Multan Nagar Delhi-110056

- APPLICANT

(By Advocate - Shri Sant Lal)

Versus

1. The Union of India, through the Secretary, Ministry of Communications, Department of Telecommunications, Dak Bhawan, New Delhi-110001.
2. The Member (Finance), Telecom Commission, Govt. of India, Department of Telecommunication, Dak Bhawan, New Delhi-110001-RESPONDENTS

(By Advocate - Ms. Geetanjali Goyal)

ORDER

By Mr. N. Sahu, Member (Admnv) -

This Original Application is directed against the order dated 18.6.1991 (Annexure-A-1) by which the pay of the applicant was reduced by three stages in the time scale of pay for a period of one year; and the order dated 31.12.1992 by which the said order was confirmed.

2. The brief facts are that the applicant while working as Junior Accounts Officer in the Office of the CGM, MTNL, New Delhi preferred a claim of reimbursement of his medical expenses amounting to Rs.11,175.25p. Some of the Cash Receipts in support of the claim were found to be inflated upward on comparison with the office copies of those cash receipts kept by the Chemist. It was alleged that he wilfully submitted those cash memos to over charge the Government for his pecuniary

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advantage and thus he committed an act of grave misconduct. An enquiry was ordered. The enquiry report showed that the charges were proved. A copy of the report was furnished to the applicant. His representation was considered and the punishment was awarded. The entire case was referred to the Union Public Service Commission (in short 'UPSC') and thereafter the President of India decided to agree with the detailed examination given by the UPSC and held that the charges against the applicant stood conclusively proved.

3. We have heard the counsel appearing on both sides. The main contention of the learned counsel for the applicant was that the applicant worked on deputation in MTNL, New Delhi - an autonomous body, and it has no jurisdiction to issue any punishment order against an employee who was on deputation to any other department. This power can be exercised only after the services of the delinquent employee are placed at the disposal of the lending department. He further stated that there was no application of mind to the enquiry report.

4. The employees of the Department of Telecom were posted in the MTNL treating them as on deputation and while they are working under MTNL, they cannot challenge the conclusion of the disciplinary proceedings by the concerned authority. That apart, after the formation of the Telecom Commission, the Member Telecom Commission was the prescribed disciplinary authority in respect of the Junior Accounts Officers. The authority higher than the Member Telecom Commission is the President of India and very rightly the matter was placed before the President of India.

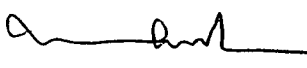
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5. We have considered the various submissions. We are satisfied that adequate opportunities had been given to the applicant. There is no procedural flaw in conducting the enquiry or passing the order by the disciplinary authority. The principles of natural justice have been followed. The findings of the enquiry officer were examined by both the disciplinary authority and the appellate authority. The offence of the applicant was grave in nature and the penalty of reduction of pay by three stages in the time scale and that too for a period of one year is very considerate and even lenient. We do not find any valid ground for interfering with the impugned orders.

6. In the result the OA is dismissed. No order as to costs.


(K.M. Agarwal)
Chairman


(N. S. Sahu)
Member (Admin)

rkv.