

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2542/93

New Delhi, this the 13th day of September, 2000. 16

Hon'ble Mr.Justice V.Rajagopala Reddy, VC (J)
Hon'ble Sh. Govindan S.Tampi, Member (A)

Umesh Kumar Singh, formerly
Assistant Supervisor, Military
Farm, Mhow, presently resident
of village and Post Office
Badhera, Tehsil and District Una (HP)Applicant
(By Advocate Sh. Vineet Bhagat)

-: V E R S U S :-

1. Union of India through the
Ministry of Defence, New Delhi.
2. The Quarter Marshal General,
Army H.Q. Q.M.G. Branch, DHQ
P.O. New Delhi.
3. The Deputy Director General of
Military Farm (MF-2), GMG Branch,
Army Headquarter West Block No.III
R.K.Puram, New Delhi.
4. The Deputy Director, Military Farms,
Headquarters, Central Command,
Lucknow, U.P.

.....Respondents
(By Advocate Sh. S.M.Arif)

O R D E R

By Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)

The applicant was working as Assistant Supervisor in the Military Farm, Mhow. He was a civilian employee under the Ministry of Defence. A memorandum of charges alongwith statement of imputation was served upon him to show cause as to why disciplinary action should not be taken against him. But he did not reply to the said show cause notice. An enquiry was, however, held and it was found by the enquiry officer that he was guilty. Agreeing with the findings of the enquiry officer the disciplinary

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authority imposed the major penalty of compulsory retirement and also reduced the pension and gratuity to the maximum permissible under the existing rules, by order dated 30.9.92. The applicant filed an appeal which was partly allowed and the appellate authority confirming the findings of the disciplinary authority, however, set aside the penalty in so far as it reduced the pension and gratuity to the maximum permissible limit.

2. Aggrieved by the above order of appellate authority, the applicant earlier filed OA No.2542/93 before the Tribunal and it was allowed on the ground that the enquiry report was not supplied to him but the respondents were directed to proceed with the enquiry from the stage of supplying the report. The respondents, thereafter filed RA No.14/2000, stating that the enquiry officer's report was already furnished to the applicant and that the statement made by the learned counsel was erroneous. The RA was, accordingly allowed and the order of the Tribunal in OA-2542/93 has been recalled. Thus the OA is again before us for fresh disposal.

3. Heard the learned counsel for the applicant and the respondents.

4. Four grounds were urged by the learned counsel for the applicant. They are, (i) that while Deputy Director, Military Farm, Headquarter Brig. K.A. Patil was named as the disciplinary authority in the Rules, governing the service conditions of the

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applicant, the chargesheet was, however, served by Col. S.N. Dutt, an authority lower in rank and status to the disciplinary authority, (ii) the disciplinary authority has not served copy of the enquiry officer's report and it was only served on 30.9.92 while passing the impugned order, (iii) though a joint enquiry was held against the applicant alongwith Sh. Tilak Raj, Supervisor and Sh. M.D. Sharma, Office Superintendent who were responsible for maintaining the account, no action was taken against them and (iv) the charges are not specific, hence applicant could not meet them properly.

5. The respondents, in their reply, averred that the enquiry has been held in conformity with the rules, it was stated that the charge has been issued by Col. S.N. Dutt after it was approved by the disciplinary authority and that the disciplinary authority has also duly served the enquiry officer's report to the applicant for making representation before the impugned order was passed and it is also stated that the other charged-officers were also penalised and the charge is quite clear and all the allegations were explained in the statement of imputation. Hence, all the pleas were refuted.

6. Having given careful consideration to the contentions raised by the learned counsel for the applicant, we find no warrant to interfere with the impugned order.

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7. The applicant has not denied the allegations made against him in the charge memo and we find from the statement of imputation that the allegations have been explained with all clarity and in detail and it cannot be said that the applicant has suffered any prejudice in his defence. We have also perused the enquiry officer's report and we find that a thorough enquiry has been conducted by the enquiry officer to find the applicant guilty. If the charges are not specific the applicant should have complained seeking for more details to enable him to file his defence statement. No such effort was made. On the other hand, he has not even denied the allegations. The contention in this regard is, therefore, rejected.

8. It is true that Col. Dutt is an officer lower in rank to the disciplinary authority, but it is clearly stated in the reply that the charge memo has been issued with the approval of the disciplinary authority, i.e., Deputy Director of Military Farm, Army Headquarter, New Delhi. It is also stated that Sh. M.D. Sharma has been awarded the punishment and Sh. Tilak Raj was absconding and no action could be taken against him.

9. The contention that the enquiry officer's report was not duly served upon the applicant appears to be wholly baseless. A perusal of the file which was produced by the learned counsel for the respondents makes it clear that the same was served upon the applicant on 3.8.92 and the acknowledgement of the applicant also is found in the file much before

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the impugned order was passed on 30.9.92. Hence, the contention that the enquiry officer's report was given to him alongwith the final order, is false and baseless.

10. We find that the allegations against the applicant are serious leading to shortage of fodder and extra expenditure on account of baling charges etc. causing loss to the Government to the extent approximately Rs.15 lakhs. When an enquiry has been conducted and findings arrived at, it is not possible for this Tribunal to interfere with the order. The OA, therefore, fails and is accordingly dismissed. No costs.

Govindan S. Tampi
Govindan S. Tampi
Member (Admnv)

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Com. App. Panel
(V. Rajagopala Reddy)
Vice-Chairman(J)