

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
Registration T.A.No. 1376 of 1987

B.C. Baurari

.....

.....

Applicant

Vs.

Union of India & Others...

... ..

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Upper Division Auditor on 21st December, 1962 in the office of Controller of Defence Account (Air Force), Dehradun. It is said that upto the year 1979 the applicant was awarded very good, but he was awarded the adverse remarks for the period ^{between} 1979 and 1980. The applicant made a representation against the same but according to him he received no reply to the said representation. The applicant again made a representation and also sought personal meeting. The applicant then moved an application for seeking the permission for personal interview in respect of his grievances. But the request of the applicant was rejected and he received a chargesheet dated 12.1.81 for act of misconduct and misbehaviour and a minor penalty was given to the applicant. The applicant made a representation against the said penalty. An order transferring him from Bareilly to Barrackpore was passed on 9th Feb., 1981. The applicant received this transfer order under protest and no time was allowed to him for handing over the charge. He sent his representation against this transfer order to the Controller General of Defence Accounts, New Delhi in this behalf. It appears that one of the pleas taken on behalf of the applicant is that no one could be transferred during the pendency of the departmental proceedings. As a result of departmental

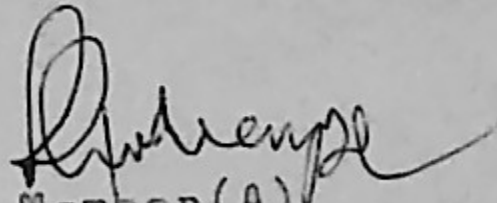
M

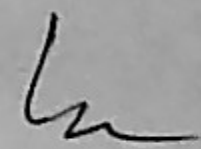
proceedings the applicant was awarded a censure entry vide order dated 12.8.81. After exhausting other remedies he filed an appeal, but according to him another chargesheet was issued to him on 9.3.1982 and the charge against him was that he was relieved of his duties in the office of the LAD(AF) Bareilly on 9.2.81 after his transfer to Barrackpore, but he failed to report for duty and that is why he was unauthorisedly absent to the duty. A departmental proceeding took place against the applicant and the Disciplinary Authority held the applicant to be guilty relying on the report of the Inquiry Officer and awarded the punishment. reducing his pay by two stages for one year with cumulative effect. The applicant filed an appeal against the same and the appeal was not disposed of. The applicant filed a Writ Petition before the High Court of Judicature at Allahabad which has been transferred to this Tribunal. Subsequently the appeal was also dismissed.

W

2. It has been contended on behalf of the applicant that he was transferred from Bareilly to Barrackpore and the transfer order could ^{not be} ~~passed~~ ^{merely} because the departmental proceedings was pending against him and ultimately the transfer order was cancelled and he was transferred to Dehradun. During all this period as he did not attend the office his absence could not be treated to be unauthorised. The applicant has also tried to challenge the departmental proceedings on the ground that relevant documents were not given. We are not satisfied with this plea because in the departmental proceedings the relevant documents are not needed. It was a case which should have been decided on the basis of the documents which are available as the charge against him was that notwithstanding the fact he was transferred to Barrackpore and he did not joined the

duty and as such his absence is unauthorised. Obviously the transfer order has been cancelled and the applicant did not proceed on leave and under the Rules the period was to be treated as unauthorised absence. It may be ^{that} ~~be~~ of course under this circumstances the minor punishment could have been given. As such we do not find any infirmity in the inquiry proceedings and this case has no legs to stand. Accordingly this application is dismissed. With no order as to costs.


Member (A)


Vice-Chairman.

23rd April, 1992, Alld.

(sph)