

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

O.A.No.727 of 1988.

Dr. Phool Chand DubeyApplicant.

Versus

Union of India & others.....Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

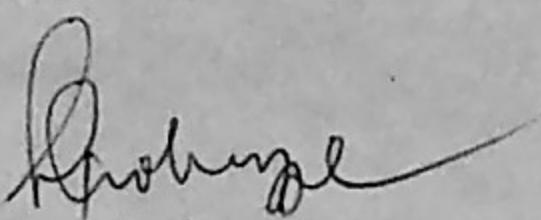
(By Hon'ble Mr. Justice U.C.Srivastava, V.C.)

After detailed enquiry, the applicant was given a minor punishment withholding one future increment with cumulative effect for a period of one year against which he filed a revision which was rejected treating the same to be the review application. Feeling aggrieved by the same, the applicant approached this tribunal.

2. The applicant was appointed as Dairy Superintendent in the year 1962. In the year 1970, the applicant was appointed as Dairy Manager and then in 1974, he was appointed as Junior Class I, Junior Dairy Technologist. This post was designated in the year 1975 as Scientist S-I in the Agricultural Research Services. In respect of some T.A. bills though the expenditures were duly substantiated by the receipts, but a charge-sheet was served on the applicant after more than six years i.e. on 28.10.83 charging that six fake receipts of taxi charges were submitted by him. The applicant submitted his reply denying the charge. Thereafter, an enquiry proceeded. According to the applicant, when he looked into the record of enquiry, he found that the statements of the witnesses were not on the file. He requested for the supply of the copies of the statements of witnesses which were recorded from 26.4.84 to 26.6.84. The applicant admittedly cross-examined them. Thereafter

the statement of the applicant was also recorded. The Enquiry Officer, after concluding the enquiry, submitted his report to the Disciplinary Authority on 5.11.84 and the Disciplinary Authority vide his order dated 21.3.86 agreed with the Enquiry Officer's report and awarded punishment of withholding one future increment with cumulative effect for a period of one year. Feeling aggrieved by the same, the applicant filed a revision on 15.5.86 and the said revision was rejected treating it to be a review application. According to the applicant, it was an application under section 29 and it was wrongly treated as a review application under section 29-A of the CCS(CCA) Rules. Feeling aggrieved by the same, the applicant approached the tribunal. After submission of the Enquiry Officer's report, an opportunity should have been given to him. The next contention is that the revision application has wrongly been treated as a review application under section 29A of CCS(CCA) Rules and as such the revision application should have been disposed of on merit. Against the punishment awarded to the applicant, the applicant directly approached the President, though in the name of President, the President has power to review an order but even/^{as} an order was passed by the Disciplinary Authority and the President exercising his power rejected the review application u/s 29A of CCS (CCA) Rules. After rejection of the said application by the President, there was no other authority who could have entertained or disposed of revision application and as such this contention is bound to fail. So far as the question of giving an opportunity to the applicant is concerned, the same was given to the applicant and he was also given an opportunity to cross-examine the witnesses. It is not necessary that the statements of witnesses, who were examined, were

to be given to the applicant and the record also does not justify that the applicant was deprived of any opportunity. As such we do not find any error of law committed by the Disciplinary Authority or by the Reviewing Authority and accordingly, the application deserves to be dismissed and it is dismissed. No order as to costs.


MEMBER(A)

DATED: AUGUST 18, 1992

(ug)


VICE CHAIRMAN.