

Punishment (No)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 420/91

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DATE OF DECISION 28.2.1992

Badaji Rupjibhai Parmar Petitioner

Mr. K.C. Bhatt Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. Jayant Patel Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.Y. Priolkar : Member (A)

The Hon'ble Mr. R.C. Bhatt : Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

Badaji Rupjibhai Parmar

.. Applicant

Vs.

1. Union of India
Through:
The Director General
Department of Posts
Ministry of Communication,
New Delhi- 110 001.
2. The Chief Postmaster General
Gujarat Circle,
Ahmedabad- 380 001.
3. The Supdt. of Post Offices,
Sabarkantha Division,
Himatnagar - 383 001. .. Respondents

Mr. K.C. Bhatt : learned advocate for the applicant

Mr. Mukesh Patel for : learned advocate for the respondent
Mr. Jayant Patel

J U D G M E N T

O.A./420/91

Date: 28.2.1992

Per Hon'ble Mr. R.C. Bhatt : Member (J)

The applicant working as A.P.M. Himatnagar H.O. has filed this application under Section 19 of the Administrative Tribunals Act, 1985 seeking the relief that Memo No. B-2/8/390-91 dated 30.7.1991 of S.P. Sabarkantha - Himatnagar vide Annexure A/1 and the order vide Annexure A/2 dated 30th July 1991 of S.P. Himatnagar regarding withholding of one increment for a period of three months be quashed and setaside and appellate order from D.P.S. Ahmedabad, dated 29th October, 1991 also be quashed and setaside. The applicant was appointed as invigilator in room No. 1 in the special examination for promotion of

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lower grade officer to the cadre of Postman etc. held in Himatnagar Centre on 10th Feb. 1991. At the time of valuation of answer books, the examine noticed vast difference in Hand Writing of Answer to certain quastion in the answer book in paper B of Rool No. SK-9 and therefore he reported facts to the Chief P.M. General, Gujarat Circle who in term directed the Assistant Superintendent of Post Offices (Investigation) for investigation. During inquiry (as per inquiry report) produced by the respondents at R-1, it was established that during examination candidate of Roll No. SK-25 Shri A.C. Garo changed his seat in the examination hall and set on seat of Roll No. SK-13 (which was a vacant due to absence of candidate Roll No. SK-13) and exchanged Answer Book of Roll No. SK-09 and wrote answers to the question Nos. 1A, 1B, 2A, 2B, 3A, 3B, in the Answer Book of candidate Roll No. SK-09 Shri P.B. Bharwad. Both the candidates admitted above facts in their written statements which have been placed by respondents at R-1 and R-2. The Chargesheet was issued to the applicant vide Annexure A/1 dated 3rd July 1991 and in reply to the chargesheet the applicant stated that the candidates might have taken undue advantage during closure hours when he was busy in collecting answer books from the candidates and gave assurance that he would be vigilant in future. Ultimately the order Annexure A/2 was passed by S.P. Himatnagar on 30th July, 1991 where by punishment of withholding the increment for three months without cummulative effect was imposed upon the applicant and appeal filed by him was also dismissed vide Annexure A/3 on

29th October, 1991.

2. The case of the applicant as pleaded in the application is that he had observed the instructions and had done his duty as Invigilator perfectly and no candidate was found to use unfair means in the examination hall during his presence. The applicant has mentioned in his grounds of the application that the charge was vague. We do not accept this contention. Articles of charge in his chargesheet were clear and distinct. The applicant has stated that he had denied the charge vide letter dated 17th July, 1991. This is also not correct. On the contrary, if the letter dated 17th July, 1991 produced by respondents at R-4 is perused the applicant has specifically stated in it that candidates might have taken undue advantage during closing hours because he was busy in the collection of Answer Books. He has also mentioned that if there was any slackness on his part in his supervision he prayed to free him from the allegation and assured that he would be more vigilant in future. It may be noted that the charge against applicant was about failure to maintain devotion to duty. The chargesheet is also placed by respondents at Annexure R-5. The applicant has alleged in his application that one Mr. M.N. Chauhan was also invigilator of Room No. 1 with him and he was also served with the similar charge but Mr. Chauhan was awarded the punishment of "Censure" only. The respondents in the reply have explained that Mr. Chauhan was to retire w.e.f. 13th July, 1991 and such punishment of withholding increment was not permissible under the Rules and hence there is no question of violation of Article 14 or Article 16 of the Constitution of India.

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3. The applicant has alleged that the appellate order dated 29.10.1991 Annexure A/3 was not speaking order. We find no substance, in this allegation. The reasons for rejecting the appeal have been properly mentioned in it. The finding of the Disciplinary authority is also proper based on material on record. The applicant's conduct as found shows that he failed in observing devotion to duty as required of him under Rule 3 (1) (ii) of CCS (conduct) Rules 1964 and the charged against him is proved. We find no illegality either in the order of disciplinary authority or in the order of appellate authority. There is no substance in any allegation of applicant.

4. The result is that the application is dismissed summararily at the admission stage.

O R D E R

The application is dismissed summarily.



(R.C. Bhatt)
Member (J)



(M.Y. Priolkar)
Member (A)