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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK & NCH: CUTTACK

Original Application No. 475 of 1990

DATE OF DECISION: 24.6.1993

Gobinda Chandra Satpathy Applicant(s)

Versus

Union of India & Others Respondent(s)

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(For instructions)

1. Whether it be referred to the Reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?

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(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)


(K.P. ACHARYA)
VICE-CHAIRMAN

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act,1985, the petitioner prays to declare the disciplinary proceeding initiated against the petitioner as null and void and to quash Annexure-A/24 affording complete relief to the applicant.

2. Shortly stated the case of the petitioner is that while he was working as a Stenographer under the Opposite Party No.2, i.e. the General Manager, Heavy Water Plant, Talcher, a disciplinary proceeding was initiated against him and chargesheet was delivered to the petitioner on an allegation that he was leading certain employees in the corridor passing through the chamber of OP No.2 and had shouted slogans and abused OP No.2 in ^a very filthy language and was insisting ^{on} the demonstrators to exhibit the same attitude towards OP No.2 in order to fulfil their demands. The matter was enquired into and the disciplinary authority agreed with the findings of the enquiring officer and imposed punishment to the extent of reducing the pay scale of the petitioner by nine stages. An appeal was preferred by the petitioner, which did not yield any fruitful result, except that the quantum of penalty was modified by the appellate authority by reducing the pay of the petitioner in three stages without cumulative effect. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that this case involves overwhelming evidence against the petitioner bringing home the charge against him and therefore, principles of natural justice having been strictly adhered to, the order of punishment should not be unsettled - rather

it should be sustained.

4. There is no appearance on the side of the petitioner. We have perused the pleadings of the parties with the assistance of Mr. Ashok Mishra, learned Standing Counsel and we have also heard the argument advanced by Mr. Mishra.

5. Before we pass on to the merits of the case, we would like to mention that the petitioner had filed an application under Section 19 of the Administrative Tribunals Act, 1985 forming subject matter of Original Application No. 295 of 1989, which was disposed of on 10.7.1990 contained in Annexure-3. Therein the Bench directed that the petitioner would be free to make a nomination of his defence assistant and would also state if he requires copies of any document connected with the case; and this application should be made within a month from the date of delivery of the judgment.

6. Even though the petitioner made an application on 17.10.1990, we do not find from the records that nomination of the defence assistant proposed by the petitioner was ever refused by the disciplinary authority. In the absence of such averment in the counter, it is presumed that defence assistant was duly given by the petitioner. So far as the demand for supply of copies of the documents are concerned, Mr. Ashok Mishra, learned Standing Counsel placed before us the contents of Annexure-9. Therein the petitioner has stated that copies of chargesheet, memos issued to any other worker stated to have participated in such incident should be given to him. We are in agreement with the disciplinary authority that it is not open to the petitioner to supply

him all the documents; and therefore, rightly the disciplinary authority rejected supply of such document. Apart from the above in the said application, the petitioner mentions that names and designation and details of 50 workmen said to have assembled on 29.2.1989 should be should be stated by the concerned authority. Copies of the attendance register are required to know the accuracy of the presence of the workmen. Copies of the F.I.R. and the Station Diary and Inspector Incharge C.I.S.F., be supplied to the petitioner.; and the names of the C.I.S.F. personnel should be intimated to the petitioner. So far as names of the employees and names of the C.I.S.F. personnels are concerned, we are of opinion that, this demand has been made by the petitioner /in the form of an introgatory which is not permissible under the law, because serving of introgatory is contemplated under the Code of Civil Procedure and no such procedure has been prescribed so far as Administrative Tribunals Act concerned. In the absence of supplying these names to the petitioner, we find no illegality to have been committed by the competent authority. So far as attendance register is concerned, no detail has been stated as to the period to which it relates. Therefore, it is an impossibility on the part of the disciplinary authority to act on vague assertions/demands. Copies of chargesheet, if at all filed against any workman is not in existenc^{also} so far as the disciplinary proceeding is concerned, and rightly it was refused. In the counter, it is stated that no F.I.R. was lodged against any of the employee and therefore question of supplying copies of the F.I.R. does not arise. The

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petitioner builds a castle in the air by saying that if any station diary has been made by the personnel of C.I.S.F., copy of the same should be supplied to him. There is no station diary entry made; therefore, question of supply of copy of the station diary does not arise. In the circumstances stated above, we are of opinion that principles of natural justice has not at all been violated in denying service of copies of these documents.

7. We have gone through the enquiry report and so also the order of the disciplinary authority and that of the appellate authority. By no stretch of imagination we can come to a conclusion that this case is of no evidence or the impugned orders are illegal. On the contrary, we are of opinion that there is ^{an} overwhelming evidence to bring home the charge against the petitioner and rightly on the basis of the evidence, the disciplinary authority and the appellate authority had come to a conclusion that the petitioner is guilty of the charge. Finally, we are of opinion that in case the disciplinary authority and the appellate authority have erred, then they have grossly erred on the question of leniency of sentence; otherwise we do not find any illegality to have been committed by the disciplinary authority or the appellate authority.

8. In view of the aforesaid discussions, we find no merit in this application, which stands dismissed leaving the parties to bear their own cost.

MEMBER (ADMINISTRATIVE) 24/6/93

24/6/93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 24.6.1993/B.K. Sahoo

