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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 451 OF 2009

CUTTACK THIS IS THE ~~31ST~~ DAY OF AUG., 2010

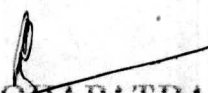
Narayan Das..... Applicant

Vs.

Union of India & Others..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER

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ORIGINAL APPLICATION NO.451 OF 2009

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CORAM:

HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER

Narayan Das, aged about 39 years, S/o- Late Sahadev Das, at present serving as Asst. Teacher (T.G.T), Ordance Factory School, Badmal, At/Po-Badmal, Dist-Bolangir.

..... Applicant

By the Advocate(s)M/s- J. Sengupta,
G. Sinha,
A. Mishra

Vs.

1. Union of India, represented through its Secretary, Department of Defence Productions, Ministry of Defence, New Delhi.
2. Director General, Ordance Factory Board, 10A Saheed K. Bose Road, Kolkata.
3. General Manager, Ordance Factory, Badmal, At/Po-Badmal, Dist-Balangir.

..... Respondents

By the Advocate(s).....Mr. S.B. Jena, ASC

ORDER**HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER**

This is a case of imposition of minor penalty under Rule 16 of CCS (CC&A) Rules, 1965 against the applicant, a Trained Graduate Teacher (TGT), in the Ordnance Factory School of Ordnance Factory Badmal (Orissa), after being chargesheeted for gross misconduct viz. Insubordination, uttering unparliamentary/unpalatable languages in the meeting held on 31.07.2007 chaired by the Principal, Ordnance Factory School, Badmal. And after considering the representation of the applicant a penalty of reduction of pay by one stage i.e., Rs.6725 to Rs.6550/- in the time scale of pay of Rs.5500-175-9000 (pre-revised) for a period of one year by the Disciplinary Authority. Then his appeal having been rejected by the Appellate Authority vide order dated 11.05.2009 the applicant has approached this Tribunal in the present O.A. filed under Section 19 of the A.T. Act, 1985 seeking the following relief:-

“In view of the facts stated in Para 4 and the grounds stated in Para 5 the applicant prays that the Hon'ble Tribunal may graciously be pleased to quash the order passed by Respondent No.2 on 14.07.08 (Annexure-A/4) and further be pleased to quash the order dated 11.05.09 passed by the Respondent No.1 (Annexure-A/6)”.

2. Briefly stated, the facts are that the applicant was appointed as TGT (Social studies) w.e.f. 29.09.09 in the Ordnance Factory School at Badmal. During the monthly meeting of teachers on 31.07.2007 under the

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chairmanship of the Principal of the School, the applicant is stated to have raised the issue of private tuition which had a deleterious effect on overall performance of the students. This according to the applicant triggered altercation between him and another teacher Sri S.K. Sarangi. As the situation had turned ugly the General Manager had constituted a Board of Enquiry which recommended as under :-

“Sri N. Das is to be advised suitably to mend his own activities as one of the teachers of the School and not to force his opinion over others. He may be asked to improve on obedience and quality of relationship with his colleagues.

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The Principal and Officer in Charge of the School should devise means to monitor the performance of teachers especially those who are engaged in private tuitions to ensure that they do not neglect the school.

It was recommended that the inter personal behaviour of Sri N. Das and Sri S.K. Sarangi may be reviewed by the Officer-in-Charge of the School after six months i.e, in June'08 & report to be submitted to the GM."

3. It is the contention of the applicant that the Board of Enquiry found fault with both the applicant and Sri Sarangi for which both of them were directed to be cautious in future and opined to review the same in the Month of June'08. But the fact that the teachers were engaged in private tuitions was clearly proved by the Board of Enquiry for which they directed the principal to devise some means to check the same.

Further the contention of the applicant is that even if according to the Board of Enquiry Report the inter personal behaviour of

the two teachers have to be reported in June, 2008, a memorandum of charge under Rule 16 of the CCS (CC&A) Rules, 1965 was issued to the applicant while Sri S.K. Sarangi was only warned by the Respondents for the episode that took place on 31.07.07. Apart from this discriminatory treatment no reasons have been recorded by the disciplinary authority while imposing the punishment as cited above. Further, even in a minor penalty proceeding according to the applicant the disciplinary authority has the discretion to hold an enquiry as held under Rule 14 enquiry which was not done in this case. The disciplinary authority has not recorded any reason as to why he has not conducted detailed oral enquiry even if it is a case of penalty proceedings under Rule 16 of the CCS (CC&A) Rules, 1965. Further the appellate authority according to the applicant has not taken cognizance of the discriminatory attitude of the disciplinary authority i.e, Respondent No.2 and also the disciplinary authority's action for not recording any reason for having dispensed with detailed enquiry.

4. The Respondents have brought the following facts in their counter:-

“ 5.i) That one Sri S.K. Sarangi working as TGT in Ordnance Factory School submitted a complaint dated 01.08.07 through his controlling Authority making certain allegations against Sri Narayan Das, TGT, a fellow teacher of O F School (The applicant in instant case).

5.ii) Sri S.K. Sarangi TGT made following submission in his complaint.

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(a) During the monthly meeting held under the Chairmanship of Principal of Ordnance Factory School on 31.07.2007, the Applicant misbehaved him and used unparliamentary language and shown disregard to the Chairman of the meeting.

(b) The applicant tried to physically charge him during the meeting.

c) The applicant threatened him of dire consequences at about 1620 hours on 31.07.2007 after the meeting was over.

d) He further alleged that the applicant has been in the habit of showing such unruly behaviour and misbehaved his colleagues in the past too.

5.iii) Further seven teachers of th school have also submitted complaints against the applicant alleging misbehaviour by the applicant during the monthly meeting held on 31.07.2007 and in the past too.

5.iv) General Manager, Ordnance Factory Badmal (The Respondent No.03) ordered a Board of Enquiry to inquire into the incident. The BOE found the applicnat responsible for showing misbehaviour and disregard to the Principal of the School. The Competent Disciplinary Authority considering all the reports ordered to issue a charge sheet under Rule 16 of CCS (CCA) Rules, 1965 to the applicant.


5. The Respondents also pointed out that the appellate authority has passed a speaking and reasoned order while rejecting the appeal of the applicant. The Respondents have refuted the claim of the applicant that the applicant never brought out at any stage i.e., during Board of Enquiry, while submitting the reply to the charge sheet or in the Appeal Petition that he had submitted any representation dated 04.04.2007 making allegation against other teachers of the School who indulged in

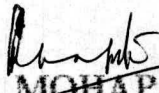
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private tuition. Based on the confidential report of the Board of Enquiry and considering the gravity of the offence the disciplinary authority decided to initiate disciplinary action against the applicant and preferred to issue a Warning Note to Sri S.K. Sarangi, TGT. And hence it cannot be said that the applicant has been discriminated against. It is pointed out by Respondents that in disciplinary proceedings under Rule 16 of the CCS (CC&A) Rules, 1965, holding of Court Enquiry is not mandatory and the principles of natural justice has been respected in as much as the applicant was informed of all the charges through a memorandum of charge and opportunity was given to the applicant to submit his reply to the charge for proper consideration by the disciplinary authority and after having considered the charge as well as the reply to the charge sheet, the disciplinary authority has issued a speaking order dated 14.07.08. Hence Respondents submit that the prayer of the applicant has no merit and thus the O.A. is liable to be dismissed.

6. Heard the Ld. Counsel for either side and perused the records. It is an admitted fact that in the meeting held on 31.07.07 under the Chairmanship of the Principal of the School, there were some allegations/counter allegations between the teachers and the situation went out of control due to the acrimonious exchange between the applicant and another teacher Sri S.K. Sarangi. It is incumbent upon the authorities to

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assess the gravity of the situation and the magnitude of impropriety in the conduct of the teachers present in that meeting. The School, being a temple of learning, its sanctity has to be maintained by the authorities responsible for the same. The Respondents need to enforce discipline in the School in which no interference is warranted. In this particular case it is seen that a minor penalty has been imposed by the disciplinary authority after following the prescribed procedure and a detailed reasoned order has been given by the Appellate Authority while disposing of the appeal. Finding no infirmity in the proceedings I refrain from interfering with the orders of the disciplinary authority as well as the appellate authority. The O.A., accordingly, being devoid of merit, is dismissed. No cost. 


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER