

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI BRANCH
CIRCUIT SITTING AT RAJGHAT

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Case No.

1990.

Case No. 200/87

DATE OF DECISION

09.08.1990

All India Defence Accounts Employees' Association through General Secretary

~~Advocate for the Petitioner(s)~~

Shri R.R.Pillai

Advocate for the Petitioner(s)

V/o.

Controller of Defence Accounts, Calcutta and others

Respondent

Shri S.V.Natu

Advocate for the Respondent(s)

COMMITTEE :

The Hon'ble Mr. G.Sreedharan Nair, Vice Chairman.

The Hon'ble Mr. I.K.Rasgotra, Member (A).

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 Branches of the Tribunal?

By

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : NEW BOMBAY BENCH
NAGPUR.

TR 200/87.

All India Defence Accounts Employees' Association through General Secretary
Shri S.V.Lokhande ... Applicant.
versus
Controller of Defence Accounts,
Calcutta and others ... Respondents.

P R E S E N T :

The Hon'ble Sri G.Sreedharan Nair, Vice Chairman.

The Hon'ble Sri I.K.Rasgotra, Member(Admn).

For the applicant- Shri R.R.Pillai, Advocate

For the respondents- Shri S.V.Nalu, Advocate.

Date of hearing- 7.8.90

Date of Judgment & Order- 9.8.90.

JUDGMENT & ORDER :

G.Sreedharan Nair, Vice Chairman :

This relates to Writ Petition No.2830/80 on the file of the High Court of Bombay, which has been received on transfer.

2. The applicant is the All-India Defence Accounts Employees' Association. The prayer in the application is for quashing the letters and notices issued by the 2nd respondent to 82 members of the Association. By the said letter they have been asked to explain why disciplinary proceedings should not be initiated against them for violating office discipline as they were found taking part in the demonstration and shouting of slogans. The notices were given intimating them about the proposal to ~~deduct~~ deduct salary from their pay and allowances, on the ground that on 13.11.1980 they did not attend to their assigned duties.

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3. It is urged that before determining the truth of the allegation by proper procedural investigation, the respondents cannot resort to the imposition of the penalty.

4. In the reply filed by the respondents, it is stated that the members of the staff did not perform their duties from 13.11.1980 afternoon onwards, and as such, office work came to a stand-still and, hence, it became necessary to point out that their acts would attract disciplinary action. It is contended that the matter regarding the non-performance of the work by 82 members of the staff was thoroughly examined and investigated on the basis of the record of the work and thereafter the decision was taken.

5. No objection can be taken against the action of the 2nd respondent in bringing to the notice of the members of the staff that as they were found taking part in the demonstration and shouting of slogans etc. they have violated office discipline, and calling upon them to explain why disciplinary proceedings should not be initiated against them. However, before arriving at the decision to deduct salary from the pay and allowances of the staff, they are entitled to an opportunity of being heard, as the question whether they attended to their assigned duties is a question of fact which has to be decided after hearing them as well.

6. In view of the above, we hereby restrain the 2nd respondent from making any deduction ~~from the~~

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from the salary of the 82 members of the applicant-Association pursuant to the notice dated 20.11.1980. However, we would make it clear that it is open to the 2nd respondent in case he so desires to proceed with the matter, to issue individual/show cause notices to the concerned members of the Association calling upon them to submit their explanations as to why cut in pay cannot be made on account of non-performance of assigned duties. If such notices are issued, the 2nd respondent is bound to consider the individual explanations on its own merits and arrive at a decision.

7, The application is disposed of as above.

Sukanya
(I.K.Rasgotra)
Member(Admn) 9/8/90

9.8.90
(G.Sreedharan Nair)
Vice Chairman.

S.P.Singh/
8.8.90.

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