

Office Notes, Office Memorandum, of Coram, Appearances, Tribunal's Orders or Directions and Registrar's Orders.

Tribunal's Orders.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT BOMBAY, NEW BOMBAY.

5. Application No.73

of 1986.

Shri Motiram Shyamrao Lambe,
5/37, Unnat Nagar Div.I,
Goregaon(West),
Bombay-400 062.

..... Applicant

V/s.

The Union of India & others.

..... Respondents

Coram: Vice-Chairman B.C.Gadgil

Member

P.Srinivasan

Dated:20/3/86.

Tribunal's Orders:

By this application, the applicant challenges the order dated 24.6.85 by which his increment has been withheld for one year by way of penalty. The applicant is an U.D.C. working with Respondent Nos. 3&4. A summary enquiry was held into an alleged misconduct as a result of which the aforesaid penalty was imposed on him. An appeal against this penalty was filed but was dismissed.

We have heard Shri C.S.Thakore on the question whether this application should be admitted or not. It appears that the applicant made a representation dated 26th October, 1984 to the Controller of Procurement. In that representation, he had alleged certain malpractices in local purchases being made by FTT where he was working and requested that an enquiry be made into the matter and that he should be transferred from FTT to another section after completion of the enquiry. In due course, an Enquiry Officer was appointed. The allegation against the applicant was that he did not cooperate in the enquiry and did not produce relevant data about the malpractices alleged by him. It was held that the making of such allegations and the failure thereafter to cooperate in the enquiry to substantiate the allegations was a misconduct and consequently after hearing the applicant, the punishment was inflicted as mentioned above.

Mr.Thakore submitted that the applicant was not all informed about the enquiry by the Enquiry Officer. However, in the reply to the show cause notice issued to him before infliction of the penalty, the applicant admitted that he was only verbally informed about it and that therefore, the question of his co-operation or non-cooperation with the enquiry did not arise. In our opinion, the enquiry in question was of an administrative nature. It did not have to be conducted like an enquiry or a trial in a criminal court. Therefore, a verbal communication was quite sufficient. The position that emerges is therefore that the applicant made certain allegations, an enquiry was initiated on the basis of such allegations but the applicant did not cooperate in that enquiry. This was misconduct. Mr.Thakore submitted that the applicant did not cooperate in the said enquiry as he wanted the enquiry to be conducted by someone-else. In our opinion, it was not upto him to decide who should be the Enquiry Officer.

In the result, there is no substance in the application which is therefore summarily dismissed.

(B.C.GADGIL)
VICE-CHAIRMAN

(P.SRINIVASAN)
MEMBER