

(2)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTINGS AT NAGPUR
~~NEW BOMBAY BENCH~~
NEW BOMBAY BENCH

~~XXXXXX~~ St.No.N-20/89 198
~~XXXXXX~~

DATE OF DECISION 20.7.1989

Shri R.N.Navargaonkar Petitioner

Shri R.V.Patil Advocate for the Petitioner(s)

Versus

Superintendent, C.T.O., Nagpur & Ors. Respondent

- Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.S.Shah, Vice-Chairman

PSS

The Hon'ble Mr. P.S.Chaudhuri, Member(A)

Ph

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal?

3

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT SITTINGS AT NAGPUR.

Stamp Application No.N-20/89

Shri R.N.Navargaonkar,
Telegraphist,
Central Telegraph Office,
Nagpur.

.. Applicant

V/s.

1. Superintendent,
Central Telegraph Office,
Nagpur.
2. Senior Superintendent,
Central Telegraph Office,
Nagpur Division,
Nagpur.
3. Director,
Telecommunication,
Nagpur Region,
Nagpur.

.. Respondents.

Coram: Hon'ble Vice-Chairman, Shri P.S.Shah
Hon'ble Member(A), Shri P.S.Chaudhuri

Appearance:

Shri R.V.Patil
Advocate
for the applicant.

ORAL JUDGMENT:

Dated: 20.7.1989

(Per: Shri P.S.Shah, Vice-Chairman)

The applicant who is working as Telegraphist, C.T.O., Nagpur was served with a memorandum dated 23.5.1988 stating that it is proposed to take action against him under Rule 16 of C.C.S.(C.C.A.) Rules, 1965 and he was asked to make representation as he may wish against the proposed action. The applicant was also served with a charge-sheet mentioning charges leveled against him ^{as also} ~~which shows~~ that the proposed action was

...2/-

(4)

- 2 -

for contravening the provisions of Rule 3(1)(i) of C.C.S.(Conduct) Rules, 1964. In substance the allegation was that the applicant had claimed bogus, ^{fractions} lengthy/at several places, resulting in loss of Government revenue and fraudulently claiming incentive money. The applicant was given 10 days time to make his representation. The applicant, however, asked for time for submission of his representation and finally he submitted his representation on 21.6.1988. The applicant has not produced a copy of this representation. After considering the representation the Competent Authority passed the impugned order dated 5.7.1988 imposing the minor penalty of withholding next increment falling due to the applicant for a period of three years without any cumulative effect.

2. It is urged by Mr.Patil on behalf of applicant that a regular enquiry was not held nor was he given an opportunity of hearing except an opportunity to make a representation. In this case we find that ~~only~~ ^{an} admittedly a minor penalty has been imposed and therefore the competent authority was entitled to follow the ~~(1)(a)~~ ^{(1)(a)} procedure under Rule 16 of the C.C.S.(C.C.A.) Rules. He was not bound to hold enquiry as contemplated under Rule 16(1)(b) of the said rule. It also does not appear that the applicant had asked for any such enquiry. Assuming that he had done so, it was in the discretion of the authority to follow the procedure under Rule 16(1)(a) or 16(1)(b). The competent authority was ~~thus~~ ^{thus} within his jurisdiction to follow the procedure under Rule 16(1)(a). Thus we find no error in the procedure

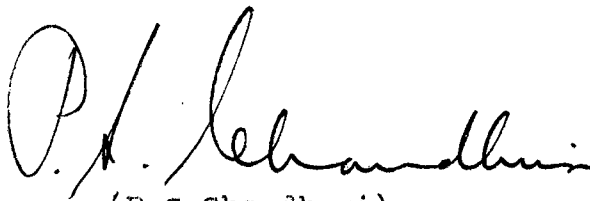
Contd...3/-

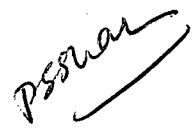
5

- 3 -

followed by the authority in this case. Moreover, the impugned order passed by the authority is a speaking order giving elaborate reasons and no fault can be found with the order. In our opinion this is not a fit case for admission.

3. The application is, therefore, dismissed in limine with no order as to costs.


(P.S. Chaudhuri)
Member(A)


(P.S. Shah)
Vice-Chairman