

1 (B) OA-14/89

July 05, 1994.

Shri C. G. Acharya,
Applicant in person.

Shri V. S. Masurkar,
counsel for the respondents.

Heard both the parties.
Judgement dictated in the
Open Court, accordingly
the matter is dismissed.


(P.P. SRIVASTAVA)
MEMBER (A)

(B. S. HEGDE)
MEMBER (J)

(X)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: OA-14/89.

Transfer Application No:

DATE OF DECISION: JULY 05, 1994.

Shri C. Gopalan Acharya. Petitioner

In Person. Advocate for the Petitioners

Versus

Union Of India & Others. Respondent

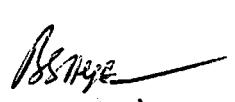
Shri V. S. Masurkar, Advocate for the Respondent(s)

R/5
CORAM :

The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri P.P. Srivastava, Member (A).

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?


(B. S. HEGDE)
MEMBER (J).

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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

(S)

O.A. NO.: 14/89.

Shri C. Gopalan Acharya

... Applicant.

Versus

Union Of India & Others

... Respondents.

CORAM :

1. Hon'ble Shri B.S. Hegde, Member (J).
2. Hon'ble Shri P.P. Srivastava, Member (A).

APPEARANCES :

1. Shri C. G. Acharya,
Applicant in person.
2. Shri V. S. Masurkar,
Counsel for the Respondents.

ORAL JUDGEMENT :

DATED : JULY 05, 1994.

X Per Hon'ble Shri B. S. Hegde, Member (J) X.

1. Heard the arguments of the Applicant in person and Shri V. S. Masurkar, Counsel for the Respondents. In this connection, the Applicant had already appealed the Tribunal against the Disciplinary Order dated 13.01.1982 passed by the Member (Personnel), Telecom Board, acting as a Revisional Authority (RA) imposing a penalty of recovery of an amount of Rs. 6,000/- from the Applicant's pay. The Court after considering the rival contentions of the parties, found that while passing the impugned order, the Competent Authority has not given an opportunity to the Applicant of being heard. At the time when the Revision Authority passed the impugned order, there was no subsisting order, imposing the penalty on the applicant.

The Revision Authority imposed the penalty for the first time on the applicant. The Tribunal thought that such penalty can be imposed only after hearing the applicant. In the absence of such an opportunity being given to the applicant, the Tribunal quashed the impugned order and directed the respondents to take appropriate action in accordance with the law.

2. Persuant to the Tribunal's Order, Show Cause Notice was served on the applicant to given an opportunity to make a representation against the proposed penalty recovery of Rs. 6,000/-. The applicant has sent a reply vide dated 22.03.1993 and after considering the reply, the Member (Personnel) Telecom Board, passed the following orders :

"In the circumstances, the finding that the appellant's negligence had contributed to the shortage of stores cannot be said to be unjustified and for this the recovery of Rs. 6,000/- only proposed in the show cause notice issued by then Member (Personnel) cannot be said to be excessive ~~or~~ unjustified, more so when it is considered that in connection with another shortage, in view of the plea of difficult family circumstances of the official, the then Member (Personnel) had taken a very lenient view and restricted the quantum of recovery from the official of loss caused to the Government to a token sum of Rs. 1,000/- (Rs. One Thousand only). Accordingly, agreeing with the proposal of the then Member (Personnel) the undersigned hereby imposes on the said Shri Gopalan Achary, Junior Engineer (Civil) the penalty of recovery of Rs. 6000/- only (Rupees : Six thousand only) which may be effected from the Official's pay in 36 monthly instalments."

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3. In the light of the above, we do not find any error in the order passed by the Competent Authority nor we can go into the detailed facts of the case. Keeping in view of the ratio laid in Shri Paramananda's case, it is not for the Tribunal to go into the details of the facts while with the dispute matter. The Competent Authorities do not find any merit in the O.A. and the same is dismissed. No order as to cost.



(P.P. SRIVASTAVA)
MEMBER (A)



(B. S. HEGDE)
MEMBER (J).

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