

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 44 of 1999.

Dated this Thursday, the 13th day of June, 2002.

Shri D. M. Ramteke, Applicant.

Shri S. S. Karkera, Advocate for the
Applicant.

VERSUS

Union of India & Others Respondents.

Shri V. S. Masurkar, Advocate for the
Respondents.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri S. L. Jain, Member (J).

- (i) To be referred to the Reporter or not ? yes
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? no
- (iii) Library ? yes

P. (S. L. JAIN)
(S. L. JAIN)
MEMBER (J).

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Hon'ble Shri S. L. Jain, Member (J).

Shri D. M. Ramteke,
Officiating as Sub-Divisional
Engineer,
O/o. Telephone Exchange,
CIDCO Ambad, Dist. Nasik,
Residing at - 60, Mukta Colony,
Kamatwade, Nasik - 422 010.

... Respondents.

(By Advocate Shri S. S. Karkera)

VERSUS

1. Union of India through
The Director General,
Department of Telecom,
Sanchar Bhavan,
Ashoka Road,
New Delhi - 110 001.

2. The Chief General Manager,
Maharashtra Telecom Circle,
Fountain Telecom, Bldg. No. II,
8th floor, M.G. Road,
Fountain, Mumbai 400 001.

3. The General Manager,
Telecom, Nasik,
Canada Corner, Sharanpur Rd.,
Nasik - 422 002.

4. The Divisional Engineer, (Mntce),
Nasik Telecom,
Dist. Near Zilla Parishad
Building, Opp: GPO Post Office,
Nasik - 422 001.

... Respondents.

(By Advocate Shri V. S. Masurkar)

O R D E R (ORAL)

PER : Shri S. L. Jain, Member (J).

The Applicant impugns the orders of the Disciplinary Authority, Appellate Authority and Revisional Authority dated 22.12.1995, 18.12.1996 and 23.09.1998 respectively.

S.L.Jain

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2. The Applicant was served with the minor penalty charge-sheet. The Respondents held the enquiry and the Disciplinary Authority penalised the Applicant with the penalty of withholding of two increments raising from Rs. 2240/- to Rs. 2300/- and Rs. 2300/- to Rs. 2360/- for a period of two years without cumulative effect. The Applicant preferred an appeal against the said order which was decided by the Appellate Authority vide order dated 18.12.1996 and the punishment was modified to withholding of one increment for a period of one year i.e. to say Rs. 2240/- to Rs. 2300/- without cumulative effect. The Applicant preferred a revision against the said order which was decided by the Revisional Authority vide order dated 23.09.1998 up-holding the order of the Appellate Authority.

3. The grievance of the Applicant is that the punishment order by the Disciplinary Authority is dated 22.12.1995 while the copy of the Enquiry Report was supplied to him on 11.01.1996 after the Disciplinary Authority has arrived to a conclusion of guilt and penalised the Applicant.

4. The Applicant was served with a charge-sheet under Rule 16 of C.C.S. (C.C.A.) Rules. The Applicant never applied for an enquiry but the Respondents held the enquiry. In view of such situation, Rule 16 (1)(b) applies to the present case. In such situation Rule 14 (23)(3) comes into operation. On perusal of the said Rule we do not find that supply of the copy of Inquiry Report is necessary. On perusal of Rule 16 which describes the procedure in respect of minor penalty, even the said provision

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has not been incorporated in the rule. As such, non supply of the copy of Enquiry Report is not required as per rules, as such, the Applicant has no right to make any grievance in this respect.

5. The Learned Counsel for the Applicant has drawn our attention to para 5 of the Appellate Order dated 18.12.1996 which states "after going through the case in detail, from the findings it is seen that some technical lapses are found in the charge sheet/Inquiry Officer's report/final orders. Nevertheless, Article-1 has been proved beyond doubt." On the basis of the said findings, the Learned Counsel for the Applicant argued that the enquiry is vitiated. We have to read the sentences together and not in isolation. These findings relates to Article-II of the charge which was not held to be proved. Further, the Appellate Authority after arriving to the conclusion in respect of Article-I that it is proved has also modified the punishment awarded by the Disciplinary Authority.

6. Learned Counsel for the Applicant relied on 1993 (3) AI SLJ 193.....Managing Director, ECIL, Hyderabad V/s. B. Karunakaran. and argued that the applicant is entitled to the copy of Enquiry Report. We have considered the said authority and the said authority deals with the case of an enquiry under Rule 14 of C.C.S.(C.C.A.) Rules while the present case is under Rule 16 of the C.C.S.(C.C.A.) Rules. He further relied on 1996 (1) SC SLJ 440... State Bank of Patiala & Others V/s. S. K. Sharma and argued that in every enquiry, whether it is an enquiry for major penalty or minor penalty, the Applicant is entitled to copy of the Enquiry Report. We are not in agreement with the

Learned Counsel for Applicant for the reason that such preposition is not at all laid down in the said authority. Learned Counsel for the Applicant also relied on the decision of Government of India under Rule 15 (G.I., Dept. of Per. & Trg. O.M. No. 42011/15/92-Estt (A) dated the 3rd June, 1993) which is reproduced in C.C.S. C.C.A. Rules at Page 73 which deals with only major penalty charge sheet. As such, the said decision also does not help the Applicant.

7. In the result, we do not find any merit in the O.A. It is liable to be dismissed and is dismissed accordingly with no order as to costs.

J.L.JAIN
(S. L. JAIN)
MEMBER (J)

OS*

B.N.BAHADE
(B.N. BAHADEUR)
MEMBER (A)

~~Order~~
~~to~~ ~~Applicant~~ ~~despatched~~
~~to~~ ~~Respondent(s)~~
~~OSL/CR~~

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