

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Contempt Petition No. 51/2000

IN

Original Application No.: 566/2000.

Dated this Friday, the 6th day of October, 2000.

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

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

Karpurapu Vara Prasadrao

...

Applicant.

(In Person)

VERSUS

Shri V. K. Jain,
General Manager,
Currency Note Press,
Nashik Road - 422 101.

...

Respondent.

(By Advocate Shri V.S. Masurkar)

TRIBUNAL'S ORDER

The Applicant, Shri K.V. Prasadrao, is heard on C.P. No. 51/2000. In the first instance, it was suggested to him that this C.P. could be deferred till the next date on which date the O.A. was fixed for hearing, to enable us to see if we can clinch certain further facts. He however insists that it should be disposed of today only, on the facts available and prays that notice may be issued.

2. We find that the Contempt Petition is filed on the Roznama Order by a Division Bench of this Tribunal on 18.08.2000. A copy of this order has been placed at page 5, Exhibit 'A'. The order reads as follows :



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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

OPEN COURT/PRE DELIVERY JUDGEMENT IN OA -566/2000

Hon'ble Vice Chairman / Member (J) /
~~Member (A)~~ may kindly see the above judgement for
approval / signature.

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5/12
~~V.C. / Member(J) / Member(A)~~

~~Hon'ble Vice Chairman~~

~~Hon'ble Member (J)~~

~~Hon'ble Member(A)~~

I agree by

"Applicant in person.

Issue notices to the respondents, returnable within four weeks. List the case for admission on 22.09.2000.

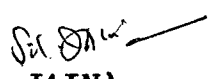
Dasti.

Applicant to file proof of service."

3. The applicant alleges that a contempt is committed since the Respondent has refused to accept this Dasti Service from him. As proof, he points to the copy of the letter at page 6, which is a letter written by him recounting in substance that he had tried to serve the notice by Dasti but was not allowed to do so.

4. We are not convinced that this could be a case, even prima-facie, for contempt and hence do not find any justification for issuing a notice. At best, even if this is proved, we can take an adverse notice in the facts and circumstances when we take up the matter in the Original Application.

5. In view of the discussions above, this contempt petition is rejected at the initial stage.


(S.L. JAIN)

MEMBER (J).



(B.N. BAHADUR)

MEMBER (A).

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 566/2000

DATE OF DECISION: 6/12/2000

Shri K.V.Prasadrao

Applicant.

In person

-----Advocate for
Applicant.

Versus

Union of India

-----Respondents.

Shri V.S.Masurkar

-----Advocate for
Respondents.

CORAM:

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

Hon'ble Smt. Shanta Shastry, Member(A)

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

} NO

Yes

Shanta J.

(SHANTA SHASTRY)
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:566/2000
DATED THE 6th DAY OF DEC. 2000

CORAM:HON'BLE SHRI S.L.JAIN, MEMBER(J)
HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Shri Karpurapu Vara Prasadrao,
R/O 12, Mukund Apartments,
Gandharva Nagari,
Nashik Road - 422 101.

... Applicant.

V/s.

Union of India Through
The General Manager,
Currency Note Press,
Nashik Road - 422 101.

... Respondents

By Advocate Shri V.S.Masurkar

(O R D E R)

Per Smt.Shanta Shastry, Member(A)

The applicant has assailed the impugned order dated 8/5/98 and 29/9/98 in this OA.

2. The applicant is an Assistant Works Engineer, a group 'C' post in the Currency Note Press at Nasik. He joined since 27/7/1987. He was placed under suspension w.e.f. 14/8/1996 in contemplation of disciplinary proceedings. Later a charge sheet was issued vide memo dated 5/9/1996 and an inquiry was conducted on the following charges:--

- i) casting aspersion on senior officers.
- ii) Indulging in character assassination of senior officers by using unparliamentary language and making false and baseless allegations.

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- iii) Allegations against Hon'ble CAT Mumbai.
- iv) Making direct representation without following the proper procedure.

3. The Inquiry Officer submitted his report dated 15/10/1997. The report was sent to the applicant vide memo dated 16/1/1998 alongwith disagreement note advising him to submit his representation if any. He returned the disagreement note without any representation. The note was again issued on 20/2/1998 for submitting representation. However, he did not submit any representation. Thereafter the disciplinary authority after scrutiny of all records and the inquiry report came to the conclusion that the applicant was guilty of the charges made against him in the chargesheet and sent a show cause notice to him proposing the following punishment and advising him to represent if desired vide notice dated 20/4/1998.

- i) Reduction of pay by one stage in the time scale of pay for a period of one year.
- ii) He will not earn any increment of pay during the period of reduction and that on the expiry of the said period the reduction will have the effect of postponing his future increments of pay.

4. The applicant submitted his representation dated 23/4/98, 24/4/98 and 2/5/98 against the said show cause notice.

5. After taking into account the representation and all the facts of the case the disciplinary authority confirmed the following penalty on the applicant.

- i) His pay is reduced by one stage from Rs.5,000/- to Rs.4875 in the time scale of pay of Rs.4500-125-7000 for a period of 1 year with immediate effect.
- ii) He will not earn increment of pay during the period of reduction and that on the expiry of said period the reduction will have the effect of postponing his future increments of pay.

He immediately appealed against the order dated 8/5/98 on 3/10/98. Later on he withdrew the appeal vide his letter dated 27/11/98.

6. The suspension of the applicant was revoked w.e.f. 14/1/98. The competent authority also issued order dated 29/8/98 for payment of pay and allowances for the period of suspension. He appealed against the said order on 8/10/98. It was forwarded to the Ministry vide Respondent's letter dated 31/10/98. Parawise comments were called vide letter dated 12/11/98. The comments were sent vide letter dated 1/12/98. Then he withdrew the appeal. So no further action was taken on the appeal.

7. The applicant filed OA No.102/99 dated 26/2/99 in this Tribunal for full pay and allowances for the period of suspension. This Tribunal rejected the OA at the admission stage itself with a direction to give one more copy of the penalty order to the applicant. Accordingly one more copy was handed over to the applicant.

8. Now the applicant again made an appeal to the Joint Secretary(C&C) on 24/4/99. It is pending.

9. It is the contention of the applicant that none of the charges was proved in the Inquiry Report. The charges are perverse and the suspension order is illegal and arbitrary, also

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the punishment is illegal and un constitutional and therefore the punishment order needs to be quashed and set aside. Further, the applicant has stated that there was no delay on his part at any time. He has promptly responded to the orders issued from time to time. The delay is attributable to the respondents and therefore he should have been paid full pay and allowances for the suspension period as the suspension was revoked unconditionally. The applicant feels that he has been victimised as he has tried to lay bare corrupt practices by some officers in the organisation. The applicant further contends that while passing orders dated 29/9/98 regarding pay and allowances during the period of suspension, the authorities have not passed any orders on how the suspension period is to be treated. As the delay is not attributable to him, the suspension period therefore should be treated as on duty and he is entitled to full pay and allowances during the said period. The applicant therefore has sought the following reliefs:-

- 8(a) The penalty order dated 9/5/99 passed by the respondent be declared null and void being illegal, arbitrary and violation of rule of law and grant all the benefits which could have accrued to the applicant, as if he would have not suspended on 14/3/99 against the pending inquiry.
- (b) Direct the respondent to pay 18% interest on his entitlements from month to month and also incentive be paid to the applicant with 18% interest.

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- (c) All the amounts recovered in view of the penalty imposed on the applicant be refunded with 18% interest to the applicant by the Order of this Court.
- (d) Exemplary costs be awarded to the applicant.

10. It is the case of the respondents that the applicants' appeal is still pending and therefore it is premature to come to the Tribunal. Also though he has made an appeal to the Joint Secretary (C&C), applicant has not made him a party. On this ground itself the OA deserves to be dismissed. According to the respondents, a proper enquiry was held and adequate opportunity was given to the applicant to defend himself. It is after careful scrutiny of the report of the Inquiry Officer and based on the available records, the disciplinary authority has passed the punishment order. Since the applicant has been punished, his suspension was justified and therefore applicant has rightly been paid 50% of the salary for the suspension period. However, since the applicant has made an appeal, the appeal needs to be decided first.

11. We have heard the applicant in person and the Counsel for the respondents and have given careful consideration to the pleadings. We find that the applicants' appeal against the Impugned orders is still pending. The appeal needs to be disposed of expeditiously. If after the disposal of the appeal, the applicant is still aggrieved, he can seek relief according to law. We therefore direct the respondents to ensure that the Appellate Authority decides the appeal of the applicant dated 24/4/99 expeditiously within a period of one month from the date of receipt of a copy of this order after giving him a personal hearing. The applicant shall be at liberty to take

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recourse to law if he is aggrieved by the decision on his appeal. The respondents have also not passed any order regarding the treatment of the period of suspension. The respondents shall therefore pass the order on the same within a fortnight from the date of receipt of a copy of this order.

12. In the facts and circumstances of the case, the OA is disposed of with the direction as above. We do not order any costs.

Shanta f-
(SHANTA SHASTRY)
MEMBER(A)

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

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