

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

O.A.No.51/2000.

Dated: 24.5.01

Shri C.G.Chitnis

Applicants.

Shri S.S.Karkera

Advocate for

Versus

Union of India & Ors.

Respondent(s)

Shri R.K.Shetty

Advocate for
Respondent(s)

CORAM :

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

Hon'ble

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to other Benches of the Tribunal?

(3) Library.

Shanta F
(SHANTA SHAstry)
MEMBER(A)

abp.

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 51 OF 2000

THE 26TH DAY OF MAY, 2001

SMT. SHANTA SHAstry.

... MEMBER (A)

Chandrakant Gopal Chitnis,
Working as Asstt. Accounts Officer,
Residing at Flat No.B/10,
Indirashankar Nagari,
Paud Road, Kothrud,
Pune-411 038.

... Applicant

By Advocate Shri S.S. Karkera.

Vs.

1. The Union of India,
through the Secretary,
Ministry of Defence,
Nirman Bhavan,
New Delhi.
2. The Controller General of
Defence Accounts,
West Block V, R.K.Puram,
New Delhi-110 066.
3. The Controller of Defence Accounts,
Southern Command,
No.1 Finance Road,
Pune-411 001.
4. The Joint Controller of Defence
Accounts, Southern Command,
No.1 Finance Road,
Pune-411 001.
5. The Asstt. Controller of Defence
Accounts, Area Accounts
Office (CDA SC) Dehu Road,
Pune-411 412. .. Respondents

By Advocate Shri R.K. Shetty.

The applicant in this case has sought to quash
and set aside the impugned orders dated 5th October, 1999
and 13.12.1999. The brief facts in this case are the

applicant is working as Assistant Accounts Officer. A penalty of with-holding of one increment for a period of 3 years has been imposed upon the applicant by the impugned order dated 5th October, 1999. Disciplinary proceedings were initiated against him vide memorandum dated 25.7.1997 on the allegation that while functioning as Section Officer (Accounts) in "N" section of CDSE Pune during the period from 17.6.1991 to 23.8.1993 he imparted audit checks on certain bills and got the cheques issued in favour of bogus firms. The applicant failed to point out the serious irregularities in the quotations which did not bear sales tax registration number. He cleared these bills of bogus Firms floated by Wing Commander Muralidharan resulting in loss to the State.

2. The applicant preferred an appeal against the aforesaid penalty order. The appeal was considered and rejected on 13/14.12.1999. Being aggrieved the applicant has approached this Tribunal.

3. It is the contention of the applicant that charge was levelled against the applicant without any documentary evident and that too after a lapse of 5 years. He had requested for supply of original documents based on which the bills have been sanctioned. The respondents failed to produce original documents and had shown only photo copy of the documents of DV sheets without producing entire original files. This is contrary to the provisions of CCS (CCA) Rules. The applicant, had further requested to hold

proper enquiry. But the disciplinary authority failed to consider his representation in accordance with the provisions of Rules 16 and Government of India decision No.1 under the CCS (CCA) Rules 1965 and illegally and arbitrarily imposed the punishment. The appellate authority also failed to consider the grounds taken by the applicant in the appeal without any application of mind, and rejected the appeal.

2. The respondents submitted their written statement. They have stated that the applicant has been penalised for a serious lapse on his part. The need for holding an oral enquiry was dispensed with. His request for oral enquiry was rejected as the charges levelled against the applicant did not suffer from any ambiguity. The applicant was allowed inspection of documents which he sought vide letter dated 4.8.97. Copies of bills and vouchers were produced for inspection of the applicant. Based on the lapses committed by the applicant, charge sheet was issued under Rule 16 of the CCS (CCA) Rules 1965 for award of minor penalty. After considering the replies furnished by the applicant, the disciplinary authority has passed a reasoned order before imposing the penalty. The most important part of the charges are, the bills and vouchers which, upon inspection would clearly show that the Firms in question were bogus Firms and therefore, the need for conducting an oral enquiry was not felt. The charges levelled against him do not warrant any enquiry as

the documents available would prove the charges. Enquiry is not mandatory when charge sheet is issued under Rule 16 of the CCS (CCA) Rules, 1965. The contention of the applicant is that the bills were passed as approved by the Joint Controller of Defence Accounts. But he could not produce any document to substantiate his contention. He has not denied that he passed the bills and therefore, the respondents are justified in passing the impugned orders and imposing the penalty of with-holding of one increment for a period of 3 years without cumulative effect. The appellate authority has also passed speaking order.

3. I have heard the learned counsel for both the parties. In my considered view, the respondents have followed the proper course before imposing the penalty on the applicant. The ground taken by the applicant is that he was not shown the original bill. The respondents have not explained any where for not showing the original bill. However, they have shown the copies of the bills and the applicant has no where denied that he did not pass those bills. The copies of the bills were attested copies and therefore, the grounds that original bills were not shown cannot be said to cause any prejudice to the applicant and therefore, this contention is not accepted. The respondents did not agree to an oral enquiry as the documents were adequate enough to prove the charge. I agree with the respondents. In this view of the matter, I do not find any fault with the impugned orders and

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therefore, I am not inclined to interfere with the same.
In the result, the OA is dismissed. I do not order any
costs.

Shanta J.

(SHANTA SHAstry)
MEMBER (A)

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