

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:438/2001

DATE OF DECISION: 2.7.2001

Shri Deepnath Badlu Tripathi Applicant.

Shri D.N. Mishra Advocate for
Applicant.

Versus:

Union of India and others Respondents.

Advocate for
Respondents

CORAM:

Hon'ble Shri Justice B. Dikshit, Vice Chairman
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. ✓

Shanta Shastry
(Shanta Shastry)
Member(A)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:438/2001

MONDAY the 2nd day of JULY 2001.

CORAM: Hon'ble Shri Justice B. Dikshit, Vice Chairman

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

Deepnath Badlu Tripathi
Residing at Mahadev Chawl,
Room No.2, Sainath Nagar,
(Ramabai Nagar) Wagle Estate
Thane.

....Applicant

By Advocate Shri D.N. Mishra

V/s

The Union of India through
The Chairman,
Bhabha Atomic Research Centre,
Central Complex, Trombay, Bombay.

...Respondent

ORDER (ORAL)

{Per Smt. Shanta Shastry, Member(A)}

The applicant in this case was a Security Guard in Personnel Division, Bhabha Atomic Research Centre, Mumbai. A charge sheet for acting in a manner unbecoming of a government servant was issued, thereby contravening the provisions of sub-rules 1(i) and 1(iii) of Rule 3 of CCS (Conduct) Rules 1964.

There are two articles of charges as follows:

ARTICLE I

Shri D.B. Tripathi, Security Guard, Personnel Division, BARC, while on IIIrd shift duty from 2300 hrs. on 1.11.1999 to 0700 on 2.11.1999 abandoned his duty post at about 0350 hrs on 2.11.1999 without making an entry in the Security Guard Register about his leaving the duty post and was found by Shri S.G. Kurup, APO on duty, plucking flowers with the help of torch light near the old CED area.

ARTICLE II

Shri D.P. Tripathi, Security Guard on 2.11.1999 has tampered with the official records by changing entry made by Shri S.G. Kurup, Asstt. Security Officer on duty in the Security Guard Register and inserted his own entry at Sl. No. 4 that he is going for tea, and changed the entry No. 4 to 5.

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2. After enquiry and after considering the defence statement the Disiplinary Authority imposed a penalty of compulsory retirement with immediate effect. Thereafter the applicant preferred an appeal. The same was rejected and the penalty order was confirmed vide order dated 24.7.2000.

3. This application is made against these impugned orders and the applicant has prayed to set aside and quash these orders with all consequential benefits.

4. The learned counsel for the applicant submits that the applicant had moved away from his duty post for a short while to collect flowers and that too at a short distance and therefore the punishment is dis-proportionate. He has not denied that he was not at his duty post. The fact is that the applicant had left the duty post and he had tampered with the duty register which is a grave mis-conduct. It is not for us to sit in appeal over the orders of the disciplinary authority or appellate authority nor is it for us to reduce the punishment unless it is shockingly disproportionate to the mis-conduct committed. In our considered view the Security Guard failed in the performance of his duty. That apart he tampered with the entries in the Duty Register. It is a grave mis-conduct. No procedural lapses have been alleged by the applicant. We are, in the circumstances, not inclined to interfere with the impugned orders. ~~Therefore the punishment cannot be said to be disproportionate.~~

5. In our considered view the application ~~is~~^{is} being devoid of merit. Accordingly, we dismiss the OA at the admission stage. We do not order any costs.

Shanta
(Shanta Shastry)
Member(A)

B. Dikshit
(B. Dikshit)
Vice Chairman

NS