

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

Original Application No.523/2001.

Wednesday, this the 25th day of July, 2001.

Shri Justice Birendra Dikshit, Vice-Chairman,
Shri M.P.Singh, Member (A).

Shyamrao Changoji Dhorey,
Plot No.4, Near Thaore Colony,
New Subhedar Layout,
Nagpur - 440 024.
(By Advocate Shri D.B.Walthare)

... Applicant.

v.

1. Union of India through
Secretary, Ministry of Communications,
Parliament Street,
New Delhi - 110 001.
2. The General Manager,
Telecom,
Telecom Bhavan, 'O' Miles,
Nagpur - 440 001.
3. The Divisional Engineer, E-10-B,
Nagpur C.T.O. Compound,
Nagpur - 440 001..
4. Shri S.N.Kulkarni, Inquiry Officer and
Chief Superintendent, C.T.O. Nagpur,
5. Shri S.R.Borikar,
Presenting Officer
& S.D.E. M.D.F. (E.10.B) C.T.O. Compound,
Nagpur - 440 001. ... Respondents.

: O R D E R :

Shri M.P.Singh, Member (A),

The applicant has filed this OA under section 19 of the Central Administrative Tribunals Act, 1985, challenging the disciplinary proceedings, Inquiry Report, Presenting Officer's brief and letter dt. 8.7.2001 issued by Respondent No.3.

2. The brief facts of the case are that, the applicant who is a retired Senior Telecom Operative Assistant (Phones) was issued with a charge sheet dt. 2.12.1994 by the Respondents. The charges levelled against the applicant are as follows :

Article - I :

That the said Shri Shamrao Chango Dhorey, while functioning as Junior Supervisor (Operational) in the O/o Sub Divisional Engineer (E-10B, CTO Compound, Nagpur during the period from 8.5.1993 to 15.6.1993 committed gross misconduct by drawing an amount of Rs. 9200/- towards Leave Travel Concession (All India) for travelling from Nagpur to Ahmedabad and back to Nagpur on 23.5.1993 alongwith his family comprising 9 members pertaining to the Block year 1990-93.

That Shri Shamrao Chango Dhorey, Jr. Supervisor (O) availed leave from 24.5.93 to 5.6.93 for availing leave Travel Concession (All India) and submitted LTC Bill on 15.6.1993 for Rs.10,242/- towards LTC claim for self and family Members. However, a reference with the Railways it has been clarified by Railways Ltr. No. NGP/C-180/P/LTC/94 dt. 4.3.1994 that 9 1st class tickets vide Nos. 09789 to 97 were issued in favour of Shri S.C.Dhorey and family by Train No.8034 for journey on 23.5.1993 Ex.Nagpur to Ahmedabad under waiting list 1 to 9. However, the said tickets subsequently cancelled by the party on 21.5.1993 at 11.25 hrs. before commencement of journey (i.e. before dt. 23.5.1993).

Thus that the said Shri S.C.Dhorey, Jr. Supervisor (O) without actually travelling against the originally procured 1st class tickets bearing No.09789 to 97) for travelling from Nagpur to Ahmedabad on 23.5.1993 falsely claimed in his LTC Bill, the same 1st class tickets which was cancelled on 21.5.1993 before commencement of actual journey and thereby failed to maintain absolute integrity and contravened Rule 3 (1) (i) of Central Civil Service (Conduct) Rules 1964.

Article - II :

The said Shri Shamrao Chango Dhorey, Junior Supervisor (O) while functioning as above mentioned in Article - I, on 15.6.1993 submitted false claim on the Govt. for Rs. 10,242/-.

The above act on the part of Shri Shamrao Chango Dhorey, Junior Supervisor (O) show that he acted in a manner unbecoming of Govt. Servant, thereby contravened Rule 3(1) (iii) of Central Civil Services (Conduct) Rule, 1964."

Thereafter, an Enquiry Officer was appointed to conduct the enquiry. The applicant was issued with a notice to participate in the enquiry which was attended by him. The Enquiry was concluded by the Enquiry Officer and a report has been submitted



...3.

to the Disciplinary Authority. The charges are proved. The Disciplinary Authority has sent a copy of findings of the Enquiry Officer to the applicant vide Letter dt. 8.7.2001 and has directed him to submit his representation within a period of 15 days from the date of receipt of copy of this order. According to the applicant, he had already submitted his representation to the Disciplinary Authority on 3.7.1998 raising a number of points therein including the change of Inquiry Officer, but no decision has yet been taken by the Disciplinary Authority. Aggrieved by this, the applicant has filed this OA seeking directions to quash and set aside the impugned charge sheet dt. 2.12.1994.

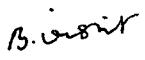
3. Heard Learned Counsel Shri D.B.Walthare for the applicant and Shri V.S.Masurkar for the Respondents.

5. During the course of argument, the Learned Counsel for the applicant submitted that a copy of the Presenting Officer's brief was not at all supplied to him earlier. The same has been received by him along with a copy of the Enquiry Report ~~on~~ 11.7.2001. Hence, the Enquiry Report submitted by the Inquiry Officer is bad in law and be quashed and set aside. He further submitted that 15 days time ~~be~~ given to him to submit his representation against the findings of the Inquiry Officer will also expire on 26.7.2001. He also submitted that the whole disciplinary case is ~~initiated~~ and his appeal raising the aforesaid points is still pending with Disciplinary Authority. After hearing the learned counsel for rival contesting parties we are of the considered view that the Tribunal, should not interfere at the interlocutory stage when the Disciplinary Proceedings are in progress. The applicant can place his

grievances before the Disciplinary Authority while submitting his representation. We, therefore, feel that ends of justice will be met, if we direct the Respondents to extend the time to the applicant for submitting his representation as per rules against the findings of the Enquiry Officer by another two weeks beyond 26th July, 2001. We, accordingly, direct the Respondents to grant two weeks' ^{further} time. With these directions, the OA is dismissed at the admission stage. No costs.

Dasti.


(M.P.SINGH)
MEMBER(A)


(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.