

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE 31ST DAY OF OCTOBER 1986.

PRESENT :

Hon'ble Mr. Justice K.S. PUTTASWAMY ..Vice Chairman
And
Hon'ble Mr. L.H.A. REGO. ..Member (A)

APPLICATION NUMBER 1781 of 1986.

P.V. Anjaneyalu,
S/o. P. Venkatappa,
Aged about 52 years,
Provident Fund Inspector,
Shimoga Division,
3rd Cross, Jayanagar,
SHIMOGA.

...Applicant.

V.

1. The Central Provident Fund
Commissioner,
9th Floor, Mayur Bhavan,
Cannaught Circus,
NEW DELHI.
2. Government of India by its
Secretary,
Ministry of Labour,
(Shrama Mantralaya)
New Delhi.

... Respondents.

This application coming on for hearing this day,
Vice-Chairman made the following :

O R D E R

In this application made under Section 19 of
the Administrative Tribunals Act 1985 (ACT) the
applicatn has challenged order dated 11.8.86 and
19.4.76 of Government of India and order dated
16.x.75 of the Chief Provident Fund Commissioner
(commissioner).

2. At the material time the applicant was working
as a Provident Fund Inspector II (PFI II) in the office
of the Regional Provident Fund Commissioner, Mysore
(RPF). On the basis of TA claims made by him for

the months of March, April and May 1971, the Commissioner initiated disciplinary proceedings under the Employees' Provident Fund (Classification, Control and Appeal) Rules 1971 (Rules) against the applicant and the charges framed against him as was as hereunder.

" Shri.P.V.Anjaneyalu, while functioning as Provident Fund Inspector (Grade-II) Chickmagalur during 1971, committed gross misconduct and failed to maintain absolute integrity and devotion to duty in as much as he dishonestly claimed and drew excess travelling allowance and daily allowance to the extent of Rs.156/- as detailed in the statement of imputations of misconduct, for the months of March, 1971, April 1971 and May 1971. It is alleged that by his aforesaid misconduct, Shri.Anjaneyalu has committed forgery and contravened clauses (i) and (iii) of rule 3 (1) of the Central Civil Services (Conduct) Rules, 1964 which rules are applicable to the employees of this organisation by virtue of regulation 27 of the Employees' Provident Fund (Staff and Conditions of Service) Regulations, 1962.

Along with the article of charge the applicant was furnished with a statement of imputations as required by the Rules. The applicant denied the charge levelled against him and therefore a regular enquiry was held into the same. On a consideration of the oral and documentary evidence placed before him, the Enquiry Officer submitted his report inter-alia holding that the claim for TA atleast on one occasion, was a false claim. On a consideration of the report of the Enquiry Officer and all records the Commissioner on 16-10-75 (Exhibit-A) held that the applicant was guilty of the charge levelled against him and inflicted the penalty

of reduction in rank to the post of a Head Clerk for a period of 3 years with fixation of pay at the initial stage of the time scale attached to the post of head clerk.

3. Aggrieved by the said order of the Commission, the applicant filed an appeal under the Rules before the Government, which by its order dated 19.4.76 concurred with the finding of guilt recorded by the Commissioner but reduced the punishment to one of stoppage of increment for a period of two years without cumulative effect. Sometime thereafter, the applicant filed a review petition under the Rules before Government, which has rejected the same on 11.8.86. Hence this application.

4. Shri S.B.Swethadri, learned counsel for the applicant strenuously contends that the Enquiry Officer had not recorded his finding on the nature of the charge levelled against his client and the same completely vitiated his report and on such a report it was not open to the disciplinary, appellate, and review authorities to impose a punishment under the Rules.

5. We have earlier set out the charge levelled against the applicant in extenso. The charge levelled against the applicant was comprehensive enough to include a false TA claim if any made by the applicant. On this aspect the Enquiry Officer on the oral and documentary evidence placed before him, positively found, that there was a false claim but however giving same irrelevant reasons for accepting the explanation

of the applicant and exonerate him of the charge. On a careful consideration of the report of the Enquiry Officer and the evidence on the disciplinary authority found that the applicant was guilty of the charge levelled against him and imposed the punishment with which the appellate and the review authority have concurred. We are of the view that in these circumstances the contention of Shri Swethadri that there was no finding by the Enquiry Officer on the nature of the charge to justify the authority to impose a punishment, is clearly misconceived and has no merit.

6. As the only contention urged for the applicant fails, this application is liable to be rejected. We therefore reject this application at the admission stage without notice to the respondents.

Ms. D. Narasimha
VICE CHAIRMAN *31/10/86*
[Signature] MEMBER (A) *21.10.86*

SR/KAM