

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 8TH DAY OF APRIL, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy ... Vice-Chairman
Hon'ble Shri L.H.A. Rego ... Member (A)

APPLICATION NO.1586/86

Ram Bahadur Thapa,
Major, Occ: Service
R/O Belgaum.

... Applicant

(Shri Shantaram Swant .. Advocate)

VS

The Union Government(Defence)
by its Secretary,
Government of India,
New Delhi.

... Respondents

(Shri M.Vasudeva Rao .. Advocate)

This application has come up before the Court today.
Hon'ble Shri Justice Puttaswamy, Vice-chairman made the
following:

ORDER

This is a transferred application and is received
from the Court of the Munsiff, Belgaum under Section 29
of the Administrative Tribunals Act, 1935('Act').

2. At the material time, the applicant was working as
a Civilian Truck Driver in the office of the Brigadier
Commander, Belgaum ('Commander'). In exercise of the
powers conferred by the Central Civil Service(Classification,
Control and Appeal) Rules, 1965 ('Rules') the Commander
initiated disciplinary proceedings against the applicant
and served the Articles of charge on him which read thus:

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Article of Charge I

"Met with an accident near Khanapur at Nittur village while driving Truck 4x4 NSN BA No 76C-13703A of Junior Leaders Wing, Belgaum entrusted to his charge due to rash and negligent driving by him on 28 Dec 83, resulting in death of one civilian person and serious injury to other two civilians and himself. The Government vehicle was damaged to the extent of Rs.20,098-33p in the accident. A criminal case bearing No 130/83 has also been registered on the aforesaid accident in Khanapur Police Station under section 279, 338, 304A IPC and 116 Motor Vehicle Act".

Article of Charge II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri Ram Bahadur Thapa, Civilian Driver Grade II-

"Took away the aforesaid Government vehicle on his own to Khanapur for unauthorised purpose on the aforesaid day without proper authority".

Article of Charge III

That during the aforesaid period and while functioning in the aforesaid office, the said Sri Ram Bahadur Thapa, Civilian Driver Grade II-

"Permitted four unauthorised civilian personnel to travel in the aforesaid Government vehicle on the aforesaid day in contravention of orders/instructions existing on the subject and demanded money from them in return for the lift given to them in the Government vehicle".

As the applicant denied these charges, the Commander appointed an Inquiry Officer (IO) who held a regular inquiry and submitted his report holding him guilty of all the three charges. Accepting the report of the IO, the Commander

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by his order dated 7-6-1984 (Annexure-I) inflicted the penalty of removal from service against the applicant. Aggrieved by the same, the applicant filed a review or an appeal before the appellate authority, who by his order dated 15-11-1984 has rejected the same. On 16-3-1985 the applicant commenced O.S.No.180 of 1985 in the Court of Munsiff, Belgaum which on transfer has been registered as Application No.1586 of 1986.

3. Sri Shantharan Sawanth, learned counsel for the applicant contends that the order made by the review or the appellate authority was not a speaking order and illegal. In support of his contention Sri Sawant strongly relies on the ruling of the Supreme Court in RAM CHANDER v. UNION OF INDIA (AIR 1986 SC 1173).

4. Sri M.Vasudeva Rao, learned Additional CGSC appearing for the respondents sought to support the order of the appellate authority.

5. We have perused the order of the appellate or the reviewing authority. In rejecting the appeal or review application, the authority had not given elaborate reasons. But, having regard to the gravity of the charges levelled and the findings recorded by the inquiry officer with which the disciplinary authority had concurred, this is not a fit case in which we should annul the order of the appellate or the reviewing authority solely on the ground that it is not a speaking order or a technical ground.

....4/-

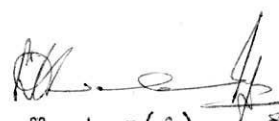
6. Sri Savanth next contends that the punishment imposed by the disciplinary authority was too disproportionate to the gravity of the offence committed by the applicant and the same calls for substantial reduction.

7. Sri Rao contends that there are hardly any grounds to interfere with the penalty imposed by the disciplinary authority.

8. We have perused the charges levelled against the applicant, the findings of the inquiry with which the disciplinary authority had concurred. We are of the view that every one of the charges each by itself or cumulatively undoubtedly justified the punishment awarded against the applicant. We see no merit in this contention of Sri Savanth and we reject the same.

9. As all the contentions urged for the applicant fail, this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.


Vice-Chairman 2/4/57


Member(A) 8-4-57