

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

DATED THIS THE 15TH 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 1590 OF 1986

Krishna Hussenappa Bhanggi

Age; Major, Occ: Pt. Clerk

Account No. 8289280 of

Belgaum.

.. Applicant.

(By Sri Shantharam Savanth, Advocate)

v.

Union Government by its

the C.G.D.A., West Block

5, R.K. Puram, New Delhi 110 022: Respondent.

(By Sri M. Vasudeva Rao, Standing Counsel)

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

ORDER

In this transferred application received from the Court of the Munsiff, Belgaum under Section 29 of the Administrative Tribunals Act, 1985 ('the Act') the applicant has challenged the order of removal made by the Controller General of Defence Accounts, New Delhi (CGDA) affirmed in appeal by the Financial Adviser (Defence Services) (FADS).

2. The applicant joined service as a Daftary in the department of CGDA on 31-12-1956. He was promoted

promoted as Record Clerk on 12-1-1961.

3. From 30-3-1975 to 20-3-1976 the applicant was unauthorisedly absent. But, still the competent authority taking a compassionate and lenient view imposed a minor penalty against the applicant and gave him a chance to rehabilitate himself in service.

4. The applicant again unauthorisedly absented himself from service from 18-10-1976 and onwards. In that view, the competent authority held a regular inquiry and submitted his report to the CGDA who by his order dated 27-3-1978 imposed the penalty of removal from service with effect from 12-4-1978. Against the said order of the CGDA the applicant filed a hopelessly belated appeal before the FADS, who rejected the same on 10-9-1980. On 21-9-1983 the applicant instituted O.S.No.499 of 1983 in the Court of the Munsiff, Belgaum Challenging his removal by the CGDA from service. On the formation of this Tribunal, the said suit has been transferred to this Tribunal for disposal. When the suit was pending before the Munsiff, Belgaum the respondent has filed its written statement setting various grounds to non-suit the applicant - plaintiff.

5. Sri Shantharam Savanth, learned counsel for the applicant strenuously contends that this is a fit case in which this Tribunal should frame issues, record all such evidence to be placed by the parties and determine all questions and then annul the orders of the CGDA and FADS.

6. Sri

6. Sri M.Vasudeva Rao, learned Standing Counsel for the Central Government appearing for the respondents contends that this is a fit case in which this Tribunal should decline to interfere on grounds of delay, laches and conduct of the applicant without even recording evidence and determining the validity of the orders of the CGDA and FADS.

7. We have earlier noticed that the applicant unauthorisedly absented himself from duty from 30-3-1975 to 29-3-1976 and the authority taking a compassionate and lenient view imposed a minor penalty and gave him chance to rehabilitate himself and work as a loyal and dutiful civil servant. But, the applicant repeated his wavered habit and unauthorisedly absented himself from 18-10-1976 and onwards. On that view, disciplinary proceedings were initiated against the applicant and regular inquiry was held in which he did not participate at all. On a consideration of the evidence placed, the Inquiry Officer found that the applicant was guilty of the charges levelled against him and submitted his report to the CGDA, who on a consideration of the records agreed with the findings of the Inquiry Officer and imposed the penalty of removal from service. Against the order made by the CGDA the applicant did not approach the appellate authority within the time permitted by law and filed an appeal nearly after 2 years 4 months, who rightly refused to entertain the same and rejected it in limine.

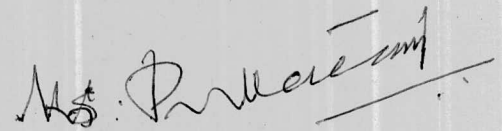
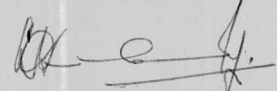
8. Every one of the facts and circumstances reveal that the applicant had shown gross disregard to

to his duties as a public servant. When a chance was given to him, out of sympathy, he made no improvement and only repeated his earlier wavered habit.

9. We have also perused the records produced before us by the respondents. We find that the inquiry held was regular and valid. We are of the view that the punishment imposed against the applicant having regard to his previous conduct is not at all excessive and does not justify our interference.

10. We are of the view that the facts and circumstances do not justify us to frame issues, record evidence and annul the orders of the authorities. We are of the view that this is a fit case in which we should decline to interfere on grounds of conduct, delay and laches of the applicant.

11. In the light of our above discussion, we hold that 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

MEMBER(A) (CS) 15.10.86

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