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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH  
CIRCUIT BENCH : NAGPUR

Registration O.A.No. 128 of 1991

Bhanudas Arjun Fulsawane .... Applicant

Vs.

Union of India & Others .... Respondents

Coram:-

Hon'ble Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. M.Y. Priolkar, Member (A)

Appearance:

Shri P.C. Marpakwar for the applicant and  
Shri Ramesh Darda for the respondents.

Oral Judgment:-

(Per: Justice U.C. Srivastava, Vice-Chairman)

Dated: 11th March, 92


As a short question involved in this case, the case is being heard and disposed of after hearing the counsel of the parties. Admit.

The applicant who was working as Auditor in the office of Controller Defence Accounts was chargesheeted vide order dated 6.3.1987 on the written report of one Mihir Kante Lodh that he accompanied him when he was gone out for tea and demanded three bottles of rum for giving copies of QSAs. The applicant submitted his reply to the chargesheet and denying the charge against him and has stated that copies of the QSAs has already been filed and there was no question of giving the copy to said Mihir Kante Lodh and demanding the bottle of rum. The explanation filed by the applicant was not considered satisfactory by the Disciplinary Authority and the Disciplinary Authority was satisfied with the charge against him and consequently the applicant was awarded minor punishment of withholding

of two increments for two years without cumulative effect vide an order dated 16.10.1987. The applicant filed a departmental appeal against the same which was also dismissed by the Controller of Defence Accounts.

2. Learned counsel for the applicant contended that the punishment order has been passed by the Subordinate Authority and not by the Appointing Authority and according to him the Appointing Authority was the Controller of Defence Accounts and no such order can be passed by the Sub-ordinate Authority.

3. In the Counter affidavit filed by the respondents it has been stated that the punishment order has been passed by the Assistant Controller of Defence who was the Appointing Authority, and the Controller of Defence was the Appellate Authority. It was then contended by the applicant that of course no inquiry was conducted and he was not asked to adduce any evidence in his defence. It is stated by the applicant that an inquiry should have been made and atleast Sri Lodh should have been examined. It was rightly stated by the respondents that as Sri Lodh has given a written complaint there is no question of examining him. Further it was a case of minor penalty and it was not obligatory on the Disciplinary Authority to hold a <sup>detail</sup> inquiry and the Disciplinary Authority has acted on the version of the parties. As such it cannot be said that there is any flaw in the inquiry or any illegality has been committed by the Disciplinary Authority. Accordingly we do not find any force in the application and it is dismissed. There will be no order as to costs..

  
Member (A)

11th March, 1992, Nagpur.  
(sph)

  
Vice-Chairman.