

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

2

O.A. NO: 686/92

199

T.A. NO: ---

DATE OF DECISION 3-9-1992

Sunanda R. Darekar

Petitioner

Mr. B. L. Chhajed

Advocate for the Petitioners

Versus

Union of India

Respondent

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. M.Y. Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Nb

mbm* MD

(S.K. DHAON)
VC

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.686/92

Sunanda R.Darekar,
MHB Colony,
M-23/2165,
Yerwada,
Pune - 411 006.

.. Applicant

1. Union of India, vs.
~~Adviser (Human Resources Devpt.)~~
Ministry of Communications,
Department of Telecommuni-
cations,
New Delhi - 110 001.

2. General Manager,
Pune Telecom,
Bajirao Road,
Pune - 411 002.

3. Divisional Engineer(Ext)MHS
Office of the D.E.External MHS,
G.T.Road, Pune 411 001.

4. S.D.O.Phone,
M.H.S.(South),
Pune - 411 001.

.. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar,
Member(A)

Appearance:

Shri B.L.Chhajed
Advocate for the
Applicant.

None for the
Respondents

ORAL JUDGMENT: Date:3-9-1992
(Per S.K.Dhaon, Vice-Chairman)

The S.D.O.P(S) on 29th June,
1988 passed an order that the next increment
of Rs.1330/- falling due on 1.10.89 in the
scale of Rs.975-25-1150-EB-30-1660 be
withheld for a period of three years. The
Appellate Authority on 24th January,1989
dismissed the appeal preferred by the applicant.

(u)


She approached this Tribunal by means of an original application which was disposed of on 30.4.1991. This Tribunal directed the revisional authority to dispose of the revision application filed by the applicant with a reasoned speaking order. That was done and the revisional authority on 14th October, 1991 accepted the revision application in part, insofar as, it directed that the increment of the applicant be withheld for a period of one year instead of three years. The three orders are being impugned in the present application.


2. In support of this application two contentions have been advanced. The first is that the chargesheet issued to the applicant was not by an officer competent to do so. We may note that this plea was neither raised before the appellate authority nor before the revisional authority. Even in the memorandum of appeal, which is before us, there is not even a whisper of the grievance which is now being made before us. The applicant herself has averred that the chargesheet was issued to her by the SDO(P). The order of punishment too was passed by the said officer. In the absence of any material to the contrary, it can be presumed that the SDO(P) was competent to issue the chargesheet.

3. The other contention was that due procedure was not followed. This argument too is being advanced for the first time before us. We find that a chargesheet was given to the applicant, she gave a reply to the same, and

after considering her case and the reply given by her the order of punishment was passed. Since from the very beginning the department intended to award a minor punishment to the applicant the question ✓ of holding a detailed enquiry ~~does~~ not arise. On the material on record, we are satisfied that the applicant was given adequate opportunity to put forth her case.

4. We find no substance in the application, which is dismissed summarily. There will be no order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(S.K. DHAWON)
Vice-Chairman

MD