

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 6 OCT 1994

APPLICATION NO(s). 254 of 1994

Applicant(s)

Miss. Supreme Gomes, v/s. Secretary, Deptt. of Telecommunication,
New Delhi and others.

Respondent(s)

1. Sri.R.Sharath Chandra,
Advocate, No.5/62, 59th Cross,
Fourth Clock, Rajajinagar, Bangalore-10.
- 2- Sri.M.S.Padmarajaiah, Senior Central
Government Standing Counsel,
High Court Building, Bangalore-560001.

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 27th September, 1994.

Issued on

6/10/94

of

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 254/ 1994

TUESDAY, THE 27TH DAY OF SEPTEMBER, 94

SHRI V. RAMAKRISHNAN

...

MEMBER (A)

SHRI A.N. VUJJANARADHYA

...

MEMBER (J)

Between

Miss Supreme Gomes,
D/o Shri Anthony Gomes,
Major, working as Office Assistant,
Office of the District Communication,
Karwar, Karnataka.

Applicant

(By Advocate Shri R. Sharath Chandra)

And

1. The Union of India,
by its Secretary,
Dept. of Telecommunications,
New Delhi.

2. The General Manager,
Telecommunications in
Karnataka, Bangalore.

3. The Director of Telecommuni-
cations, Mangalore area,
Mangalore, S.K.

4. The District Engineer,
Telecommunications,
Karwar.

5. The Accounts Officer,
Office of the District
Telecommunications,
Karwar.

Respondents

(By Advocate Shri M.S. Padmarajaiah, Senior
Standing Counsel for Central Govt.)

ORDER

Shri V. Ramakrishnan, Member (A)

The applicant, Miss Supreme Gomes who is a Telecom Office
Assistant is aggrieved by the action of the department in imposing



the penalty of stoppage of increment for one year without cumulative effect. As per the memorandum dated 6.12.90 as at Annexure A-3, this penalty was confirmed by the appellate authority by its order dated 31.1.91 as at Annexure A-5 and also by the revising authority by its order dated 16.6.92 as at Annexure A-7.

2. On receipt of some public complaints, the department initiated proceedings under Rule 16 of CCS (CCA) Rule 4 and served a memorandum of ~~some~~ charges on the applicant. After considering her reply, the disciplinary authority held that the charges, namely, wrong valuation and missorting of trunk call tickets and wrong valuation of trunk call charges, improper maintenance of trunk accounting register and allegation against the supervisory staff, were held proved. The disciplinary authority observed that even though the gravity of the offence committed by the accused official called for a deterrent action, a lenient view was being taken since the applicant had a long way to go in the department and passed an order withdrawing one increment for one year without cumulative effect. As brought out earlier, this was confirmed by the appellate authority and the revising authority.

3. We have heard Shri R. Sharath Chandra for the applicant and Shri M.S. Padmarajaiah, the learned Senior Standing Counsel.

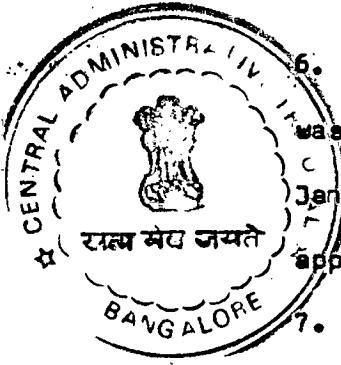
4. Shri Sharath Chandra submits that the proceedings were initiated against the applicant on account of bias by her superiors. He further argues that the department should have taken a reformatory approach rather than a legalistic and stern approach. He also states that the concerned authorities did not apply their minds while inflicting/ confirming the penalty.

5. We notice that the disciplinary authority is the Accounts Officer, Karwar and the appellate authority is the Telecom District Engineer, Karwar. The revising authority is Adviser, Human Resources Development of the Department of Telecommunications, New Delhi. We do not find it possible to accept the plea that all or them were prejudiced against the applicant. Besides, there were specific charges against the applicant which were gone into and the competent authorities took the view that charges levelled were proved. We also find that the orders of the disciplinary authority, appellate authority and the revising authority are not vague or sketchy. The order of the disciplinary authority is a speaking order. The points raised by the applicant in appeal/ revision petition have been considered by the concerned authorities before they came to their findings. We find from the records that the decision making process in this case cannot be faulted and that the applicant has not been able to adduce any material in support of her contentions. As regards the stand that a reformatory approach should have been taken, it is not for us to give any such direction. From the material before us, ^{we} hold that the department has not been unduly harsh ^{in fact kind} on their action.

6. We may also refer to the order of the revising authority which was passed on 16.6.92 and that the applicant approached us only in January 1994. She has not explained the reasons for such delayed application.

7. In view of the above, we hold that there is no merit in this application and accordingly we dismiss the same with no order as to

TRUE COPY costs.


06/10/94
Section Officer (A.N. Vujjanaradhya)
Member (J)

Sd/-

Sd/-
(V. Ramakrishnan)
Member (A)