

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: **27 JUN 1995**

APPLICATION NO. 2053 of 1994.

APPLICANTS: Sri.Narayan Y.Samagar,
v/s.

RESPONDENTS: The Superintendent of Post Offices,
Karwar Division, and others.,

To

1. Sri.M.Raghavendra Achar, Advocate,
No.1074 and 1075, Fourth Cross,
Second Main, Sreenivasanagar,
Bangalore-560 050.
2. Sri.G.Shanthappa, Additional Central
Govt. Standing Counsel, High Court Bldg,
Bangalore-560 001.

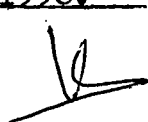
Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 13-06-1995.

Issued on
27/06/95

gm*


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

person. Admittedly for launching the departmental enquiry for misconduct the basis was indeed an order of the Magistrate, whom the applicant had approached earlier seeking to have his official superior punished under the provisions of Protection of Civil Rights Act stating that he had been insulted, humiliated of his lowly status as one belonging to SC. The Magistrate after a very lengthy and elaborate trial acquitted the accused and as a matter of fact the learned Magistrate had indeed disbelieved the evidences produced in support of the accusation and almost treated the complaint as a false one. The Magistrate's judgement is produced at Annexure-A1. Para-46 of the judgement sums up his conclusions as follows:-

"Para-46: The facts and circumstances of this case make me to observe here that in all probability, the complainant might have filed a false complaint, which would entitle the accd. herein to claim the compensatory costs. Accd.'s counsel requested this court to grant the compensation as Accused was made to attend Sirsi Court from Bangalore, but I am not inclined to grant the same in this very proceedings, but however, if the accd. is advised to prosecute the complainant for malicious prosecution, in a separate forum, he can do so. With these observations, I hold and answer the point no.1 in the negative and against the complainant."

As mentioned earlier the criminal case filed against the official superior having fizzled out the department started a domestic enquiry by issuance of a show cause notice calling upon the applicant to state why action should not be taken for having maligned his official superior falsely. The applicant in his reply to the show cause notice had totally

denied having made any allegation against the official superior for having called him names and humiliating him by drawing attention to his lowly status as SC. Not being satisfied by the reply submitted by the applicant as aforesaid, the disciplinary authority after taking the view that the official superior had been unjustifiably run down and denigrated, held him guilty of committing misconduct in that displaying a conduct unbecoming of a Government servant for maligning his official superior and thereby proceeded to impose the punishment of withholding of one increment for a period of 6 months making it clear that after 6 months he is entitled to earn an increment due thereafter.

2. From that order, the applicant preferred an appeal to the appellate authority and thereafter he even sought a review of the order before the reviewing authority which also has been turned down.

3. The submissions of Mr. Achar in canvassing the untenability of the action of the respondents is that the department had no business to conduct any enquiry against the applicant alleging that he had falsely run down an official superior by filing a false complaint. On the other hand, he argued that the Magistrate having refused to grant compensatory cost to the accused on the ground that it will be open to the injured person to take action against the applicant for malicious prosecution in a separate forum, counsel points out that the officer who had suffered injury having not made a complaint himself, it was not open to the department to hold an enquiry and thereafter punish the applicant



at such enquiry. It is also urged that the punishment imposed on the applicant has affected the chances of his promotion. Having considered both the contentions, we now proceed to deal with each of the points.

4. The first contention that the department ought not to have proceeded against since it was open to the officer who had suffered the injury to take appropriate action having himself remained silent and there was no need for the department to have launched an enquiry against the applicant, the short answer to this contention is that maligning the officer unnecessarily without any justification is undoubtedly a misconduct and hence the Government is surely entitled to take steps to indict him under law. It is needless to add that Government is required to maintain discipline in the ranks of its officers in the administration. It cannot be denied that when the officers get themselves locked up in an unseemly quarrel on grounds of having stirred up their sensitive predilections like caste, creed etc., the same leads to a situation which does give rise to total indiscipline affecting the smooth traverse of administration. In that view no one can deny that Government is entitled to put down this kind of tendency of making false allegation against the official superiors by taking action under the provisions of ^{Protection of} Civil Rights ^{Act.} We are of the view that making a false allegation against any official superior was a very grave misconduct and the department

had rightly proceeded against the applicant. In that situation, we hold that there is no substance in the first contention of Mr. Achar that action if any should have been sought for by the injured officer and not by the Government.

5. We now proceed to the next argument of Mr. Achar that the punishment imposed had resulted in affecting chances of promotion during that period. He has not told us that during the period of punishment any promotion chance had opened up and in consequence being denied to the applicant. In that situation, there is no room for the argument that the punishment had resulted in denial of promotion and thereby affected his career prospects. This argument also fails. Since no other point is raised in this application, this application fails and stands dismissed. No costs.

Sd-
(T.V. RAMANAN)
MEMBER (A)

Sd-
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY

[Signature]
27/6/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore