

CENTRAL ADMINISTRATIVE TRIBUNAL: MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NUMBER 551 OF 1994

THURSDAY, THIS THE 8TH DAY OF JULY, 1999.

Shri Justice S.Venkataraman, .. Vice-Chairman.

Shri S.K.Ghosal, .. Member(A).

Shri Suresh Chandra Gupta (A/71295957)
Store Keeper, 512 Army Base Workshop,
Kirkee, Pune - 411 003.

Residential address:

Room No.271, Bldg.No.L-33,
Maharashtra Housing Board Colony,
Yerwada, Pune-411 006. .. Applicant.

(By Advocate Shri V.M.Bendre)

v.

1. Union of India,
through the Secretary,
Ministry of Defence,
South Block, Sena Bhavan,
New Delhi.
2. Vice Chief of Army Staff,
through Director General of EME,
Takaniki Group Vaidyut Aur
Yantrik Inginiyari, Mukhyalaya
Headquarters, Technical Group EME,
New Delhi Cantt.10.
3. Commander,
Takaniki Group Vaidyut Aur
Yantrik Inginiyari Mukhalaya
Headquarters, Technical Group EME,
Delhi Cantt-10.
4. Commandant,
512, Army Base Workshop,
Kirkee, Pune-411 003. .. Respondents.

(By Standing Counsel Shri R.K.Shetty)

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O R D E R

Justice S.Venkataraman, Vice-Chairman:-

This application is filed by the applicant challenging the order dated 4-1-1989 read with 2-2-1989 holding that first charge framed against the applicant was proved and imposing the penalty of reduction of pay by 2 stages from Rs.1475/- to Rs.1425/- for a period of 2 years and further directing that he would not earn increments during that period as well as the order of the Appellate Authority dated 21-11-1990 rejecting his appeal.

2. Though two charges had been framed against the applicant, it is not necessary to refer to the second charge as the same has not been held to be proved. The first charge framed against the applicant was that he had produced a forged income certificate dated nil April, 1985 to Janseva Sahakari Bank Limited Netaji Nagar, Wanori, Pune with a fictitious name and forged signature of Mrs.Menna, as Accounts Officer of 512 Army Base Workshop, Kirkee, Pune with corrupt motivation of standing surety to one of his friends.

3. This application is filed more than 3 years after the date of the order of the Appellate Authority. No application for condonation of delay is filed. In the main application except stating that if the application is delayed, it may be condoned, ^{No} reason is given for such an inordinate delay. As such, this application is liable to be rejected on the ground of limitation.

4. Even on merits, we do not find any substance in this application. It is seen that when the Inquiry Officer questioned the applicant as to whether he pleads guilty to the charges the applicant has unequivocally pleaded guilty to the first charge while pleading not guilty to the second charge. Even in the statement of defence filed by him before the Inquiry Officer, the applicant has clearly stated that because he had to produce his income certificate in order to stand as a surety to his nephew and because his office refused to give him the income certificate, he concocted the certificate and produced the same. The Inquiry Officer has also secured the document from the Bank concerned and relying on that material and the applicant's own admission has held him guilty of that charge. As such, the applicant can no longer contend that the finding recorded by the Disciplinary Authority is wrong.

5. The only ground on which the applicant seeks to question the correctness of the finding as well as the framing of the charge is that the act in respect of which the charge sheet is issued was not committed by him in the discharge of his official duties and that if in his private capacity he had given a false income certificate to a private institution his conduct would not amount to playing fraud against the Government or a misconduct for which the department could initiate disciplinary proceedings against him. This contention cannot be sustained as it is well settled that even ~~in respect of~~ a conduct of Government servant outside his official duties which is unbecoming of a Government servant can be a subject matter of

a charge and it would amount to misconduct. The admitted conduct of the applicant in forging an income certificate making it appear as if it had been issued by his office is definitely a serious misconduct for which the department could take disciplinary proceedings. There is no ~~other~~ merit in this application.

6. For the above reasons this application is dismissed.

No costs.

(S.K.GHOSAL)
MEMBER(A)

(S.VENKATARAMAN)
VICE-CHAIRMAN.

np/