

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Date of Order : 26.02.2002

O.A No. 260/1997.

Ratnakar Pandurang Wagh, IAS (Retd.), residing at A/19 Sarasnagar, Siddhi Vinayak Society, Opp, Nehru Stadium Pune 411 002, formerly Director of Archives, Mumbai.

... APPLICANT.

versus

1. Union of India, through the Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Government of India, New Delhi.
2. State of Maharashtra, through the Chief Secretary, Government of Maharashtra, General Administration Department, Mantralay, Mumbai 400032
3. Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.

... RESPONDENTS.

Shri M. S. Ramamurthy, counsel for the applicant.
Shri V. S. Masurkar, counsel for the respondents.

CORAM

Hon'ble Mr. M. P. Singh, Administrative Member.
Hon'ble Mr. J. K. Kaushik, Judicial Member.

: O R D E R :
(per Hon'ble Mr. M. P. Singh)

By filing this OA, the applicant has sought for direction to quash and set aside the chargesheet dated 03.02.1989 ; the findings of E.O. dated 18.01.1992 ; the advice of the UPSC dated 29.11.1995 & 23.02.1995



and the order dated 28.02.1996 whereby the penalty of
compulsory retirement ^{and} one-fourth cut in the amount of
gratuity has been imposed upon him.

2. The facts in brief are that a charge sheet
dated 03.02.1989 was served on the applicant, the
charge sheet contained the following charges :-

- " (i) He granted arms licences to 49 persons dis-
regarding police reports.
- (ii) granted arms licences to 99 persons without
following the procedure prescribed in Para-
graph 100 of the Maharashtra Arms Act,
Manual.
- (iii) granted arms licences of 5 persons including
himself and his wife without recording any
reasons or justification for granting more
than one licence to an individual, contrary
to the instructions contained in Para 123
88xxxx of the Maharashtra Arms Manual.
- (iv) granted more, than one arms licences to
himself and his family members without
following the procedure prescribed under
Para 100 of the Maharashtra Arms Act,
Manual."

An enquiry was conducted by the Enquiry Officer
and the charges were partly proved. The applicant was
given a copy of the findings of the Enquiry Officer to
submit his representation on 03.06.1992. He submitted
his representation before the Disciplinary Authority
on 03.08.1992. The Disciplinary Authority after taking
into consideration the representation of the applicant,
findings of the Enquiry Officer and other relevant
material available on record, imposed the penalty of
compulsory retirement from service in terms of Rule
(vii) of Rule 6 (1) of the AIS (Discipline and Appeal)
Rules, 1969, and also a penalty of cut in the

[Signature]

admissible gratuity by 1/4 th upon the applicant vide order dated 28.02.1996. Aggrieved by this, the applicant has filed this OA, claiming the aforesaid relief.

3. Respondent No. 1 in his reply has stated that a charge sheet was served on the applicant under Rule 8 of AIS (D & A), Rules, 1969. An enquiry was held against the applicant. The charges were partly proved against the applicant and he was given an opportunity to submit his representation. He submitted his representation. After the receipt of his representation, the Disciplinary Authority came to the conclusion that the applicant had flouted the procedure and taken arbitrary decisions in a large number of cases involving a sensitive matter like issue of Arms Licences. It was, therefore, decided to impose a penalty of withholding of one increment upon the applicant for a period of two years without cumulative effect. However, before imposing this proposed penalty, the case was referred to UPSC for its advice as required under Rule 10 (i) (e) of the AIS (D&A) Rules, 1969. UPSC advised that ends of justice would be met in this case if the penalty of compulsory retirement from service is imposed on the delinquent officer. After receipt of the advice of the UPSC, the matter was examined in consultation with the State Government and it was decided to impose the said penalty of compulsory retirement & a penalty of cut in the admissible gratuity by 1/4 th amount upon the applicant. In view of these submissions, OA be dismissed with cost. Respondent No. 2 has also filed his reply on the same lines.

4. Heard, both the counsel for the parties.

5. During the course of the argument, the learned counsel for the applicant has brought on record a representation dated 17.01.2002 submitted by the applicant to the President of India. He has submitted that at this stage he does not want to press for the relief claimed in the application and he would be satisfied if a direction is given to the respondents to decide his representation dated 17.01.2002 within a time frame. Learned counsel for the respondents does not have any objection to this. In these circumstances, we feel that the ends of justice would be duly met if we direct the respondents to decide the representation of the applicant. We accordingly direct the respondents to consider and decide the representation of the applicant dated 17.01.2002, by passing a speaking and reasoned order within 3 months from the date of receipt of a copy of this order.

6. The application is disposed of in the aforesaid term. However, the applicant will be at liberty to approach this Tribunal if he still feels aggrieved and if he is so advised. No, costs.


(J. K. KAUSHIK)

Judl. Member


(M. P. SINGH)

Adm. Member

~~Order/Judgement despatched~~
~~to Applicant/Respondent(s)~~
on 7/3/2002
(R)