

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH.

J A I P U R.

O.A. NO. 724/89

Date of decision: 8.11.93

PREM SINGH

: Applicant.

VERSUS

UNION OF INDIA & ANOTHER : Respondents.

Mr. G.D. Gupta : Counsel for the applicant.

Mr. Ved Prakash, Office Supdt. : Departmental Representative on behalf of the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties and perused the record.

2. The applicant was served with a Memorandum dated 12.10.88 (Annexure A-2) in which it has been stated that Prem Singh while functioning as FED in Ammunition Depot, Bharatpur on 20 September, 88 added a medical re-imbursement claim of Rs. 49.95 of his wife's treatment for the period from 11-4-88 to 17-4-88 and got it countersigned without the notice of Administration of this Depot whereas medical bills for Rs. 238.25, Rs. 446.60, Rs. 111.25, Rs. 102.40 and Rs. 104.25 were sent to the PMO General Hospital, Bharatpur to get the monetary benefit. Thus, committed an act of 'Misconduct'. Disciplinary action was taken against him and the Disciplinary Authority vide Order dated 22.10.88 imposed the penalty of withholding of three increments for a period of three years without recurring effect. He preferred an appeal which was rejected vide Order dated 28-4-89 (Annexure A-3). Being aggrieved with the punishment, this O.A. has been filed.

3. We have gone through the letter dated 29.11.88 (Annexure A-1), forwarded by the Chief Medical and Health Officer, Bharatpur and by this letter, he returned the five bills which were sent to him by the Department after counter-signing. As far as the sixth bill of Rs. 49.95 is concerned, it has not been added in Annexure A-1. The word used in Annexure A-2 is that the bill has been 'added'. The department

has failed to show that by manipulation or otherwise, the bill has been added in the forwarding letter. On the contrary, Annexure A-1 shows that only five bills have been returned and the sixth bill was not returned with that.

4. The contention of the applicant is that he went to the doctor, got it countersigned and submitted the sixth bill of Rs. 49.95 to the department for passing it, according to the rules. It was also submitted that the said bill of Rs. 49.95 is still pending and no payment has been made to him. It is very difficult to hold that to submit a bill to the department after getting it countersigned by the doctor is 'misconduct'. It is not a case of misconduct and the applicant has not taken any advantage also and the bill is still pending.

5. In the result, we accept the O.A., set aside the order of Disciplinary Authority dated 22.10.88 (Annexure A-4) and the order of Appellate Authority dated 28.4.89 (Annexure A-3). The penalty imposed by the Disciplinary Authority as well as by the Appellate Authority is quashed. The amount due to the applicant on account of withholding of increments should be paid to the applicant as per rules.

6. The O.A. is disposed of accordingly, with no order as to costs.


(O.P. SHARMA)
Administrative Member


(D.L. MEHTA)
Vice-Chairman