

## List of Papers in Original Application No.

123192

Sl. No. Of Papers.	Date of Papers Or Date of Filing.	Description of Papers.
		Part I
	21-2-95	Original Judgement
	14-2-92	O.A. & Material Papers.
	13-7-92	Counter Reply Counter

~~PART - I~~ ~~PART - II~~ ~~PART - III~~  
Destroyed.

23/3/99  
A

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH

RECORD SECTION INDEX SHEET

C.A.No. 123

1997

a) Applicant (s) C. Sundaresan

versus

b) Respondent (s) Tim Scenley Dep't of Mines  
New Delhi & others

Sl.No.	Part. I Description of Documents.	Page No.
	Order Sheet	1604
	Original Application	5 to 13
	Material Papers	14 to 23
	Order dated	
	Counter Affidavit.	24 to 27
	Reply Affidavit	
	Order dated	21-2-95
		28 to 31
	Part. II	
	Duplicate Order Sheet.	
	" Application	
	" Material Papers	
	" Order dt.	
	" Counter Affidavit	
	" Reply Affidavit	
	" Order dt.	
	Part. III	
	Vakalat	
	Notice Papers	
	Memo of Appearance.	
		<i>5/1/95</i>

OA 123/92

①

Date : Office Note : ORDER

23-1-95

Post on 26-1-95.

HABG  
M(A)

HAVH  
M(S)

26-1-95

Post on 30-1-95 at the request of  
counsel for the applicant.

HABG  
M(A)

HAVH  
M(S)

2-2-95

return 14-2-95

1000  
1000

1000  
1000

21-2-95

Mr V. Venkateswaran  
100  
Mr N R Devanayagam

OA is disposed of  
with no order as to costs.  
Note the orders on separate  
Sheets.

HAVH  
26(A)

V. Venkateswar Rao  
ADVOCATE

S.O. Dutt, Jr.

8/8/83

665481

1-1-287/27, Chikkadpally  
Mahavir Medical Hall Lane  
HYDERABAD - 500 020

DATE 9.9.1993

To

The Dy. Registrar  
Central Administrative Tribunal  
Hyderabad.

Sir,

Sub:- O.A.No. 123 of 1992

The applicant challenged the punishment of compulsory retirement inflicted on him. Counter is already filed by the respondents. The applicant is out of service for more than one-and-a-half year and is facing great hardship.

Therefore, the office may be directed to post this letter before the Honourable court to enable the counsel to get early disposal of the O.A. and oblige.

Thanking you,

Yours faithfully,

W.D.

Counsel for Applicant.

Received  
N.R. Devaraj  
7/9/93

cc: to Sri N.R. Devaraj  
Sr. Standing Counsel.

Shown to the  
may be posted before  
the Court on 16/9/93

O A 12382

# Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No. .... 19

Versus

Applicant (s)

Respondent (s)

Date	Office Note	Orders
		<p style="text-align: center;"><u>20.9.93</u></p> <p>On the report of applicant counsel List the case on 22-9-93</p> <p style="text-align: right;">HTC&amp;N Bfo HABG- RJ G. RA</p>
22.9.93		<p>At the request of applicant counsel postpone on 11.10.93</p> <p style="text-align: right;">HTC&amp;N Bfo HABG- RJ G. RA</p> <p style="text-align: center;"><u>12.10.93</u></p> <p>List the case on 19.10.93</p> <p style="text-align: right;">HTC&amp;N Bfo HABG- RJ G. RA</p>

2

04. 123 | 92

Date	Office Note	Orders
24-11-92		on the request of applicant Counsel. Dated 3-12-92
3-12-92		<p style="text-align: center;">M HRBS By way</p> <p style="text-align: center;">T - C - R HTCSR</p> <p>The counsel for the applicant requests for early hearing. The case is ripe for hearing with counter.  List this case for final hearing on 8-1-93.</p> <p style="text-align: center;">M HRBS (M(A))</p> <p style="text-align: center;">T - C - R HTCSR (M(J))</p> <p><u>Add to 1612 P3</u></p> <p><u>AR</u></p>
8-1-93		<p><u>At request of applicant's Counsel</u> <u>list this O.A on 19-1-93.</u></p> <p><u>HRBS</u> <u>HTCSR</u></p> <p><u>By order</u></p> <p><u>for T.R.</u> <u>for Registers</u></p> <p><u>Admonition dated 21-12-93.</u></p> <p><u>HRBS</u> <u>VC</u></p> <p><u>HRBS</u> <u>HTCSR</u></p> <p><u>By order of</u> <u>Registers</u></p>
17-1-93		
19-1-93		

V. Venkateswar Rao  
ADVOCATE

30/10/92  
placed for favours directions  
of Hon'ble Member (Adm).

1-1-287/27, Chikkadpally  
Mahavir Medical Hall Lane  
HYDERABAD - 500 020

© 665481

880/92

DATE 30/10/92

To

The Registrar,  
Central Administration Board  
Hyderabad. In the last  
week of Nov 92

Sir.

1/2

30/10/92

Sub:- Posting of OA 128/92

The above matter was admitted  
on 31.3.1992. The Counter was also  
filled and the matter sent for  
hearing. Since the applicant is  
removed from Service, the  
matter is urgent. Therefore  
the OA may be listed immediately  
for hearing and disposed.

Received

30.10.92  
N.R.Dwvny

N.R.Ch/SY  
86

W.R.S

Submitted  
for Order on 30/10

Yours faithfully

6pm

Consul for Apostille

DA 123/92

(5)

date office note orders.

2-3-92.

on a representation by SRI Jagannath Reddy, on behalf of SRI N. A. Devayogi, learned counsel for the Respondent, who is stated to be unwell, listed the case for admission hearing on 31-3-92.

N  
(HRBS)  
M(A)

word  
(HCSR)  
M(B)

31-3-92

SRI V. Venkateswaran Rao, counsel for the applicant and SRI N. A. Devayogi, counsel for the Respondent, are present on a hearing and we felt at this stage that the case should be admitted. Admit the case. The Respondents are directed to file their ~~atty~~ counter within eight weeks with an advance copy to the counsel for the applicant, who may file the rejoinder, if any, within two weeks thereafter.

list the case on 11-6-92 for final hearing.

N  
(HRBS)  
M(A)

atty  
(HCSR)  
M(B)

285

(6)

OA 123/92

HTC  
11/6/92

11-6-92

On a request by Mr. Yatirajulu  
on behalf of Mr. V. Venkateswara Rao  
who is stated to be ~~is~~ unwell,  
list this case under the same  
heading on 18-6-92.

M

HRBS  
M(A)

T.C.P.

HTCSR  
M(S)

18/6/92  
18-6-92  
Adjourned to 22-6-92  
at the request of applicant  
Counsel

HRBS  
M(A)

HTCSR

by "S  
M(S)

17-7-92  
Delay in filing the counter  
is condoned. MA 736/92 is  
accordingly allowed. Office  
is directed to take the counter  
on file. List the case in usual  
course.

M  
HRBS  
M(A)

met  
14/7/92  
M(S)

Date	Office Note	Orders
		that there is sufficient evidence as again the applicant and that the Department had jurisdiction to initiate disciplinary proceedings. In view of the rival contentions raised by both the sides, list this O.A. before a Division Bench on 9.3.1992. admission hearing and orders.
9.3.92		<p>T. C. M. P.</p> <p>HTCSR M(J)</p> <p><u>9.3.1992</u></p> <p>On a request by Mr. V. Venkateswara Rao, learned counsel for the applicant, list this case for admission hearing on 11.3.92.</p>
11-3-92		<p>11</p> <p>HRBS M(A)</p> <p>T. C. M. P.</p> <p>HTCSR M(J)</p> <p>When this case was called, at the request of Mr. Phani Ray on behalf of Mr. V. Venkateswara Rao, advocate for the applicant, list this case for admission hearing on 18-3-92.</p>
18-3-92		<p>11</p> <p>HRBS M(A)</p> <p>T. C. M. P.</p> <p>HTCSR M(J)</p> <p>At the request of Mr. Phani Ray on behalf of both the counsels list this case for admission hearing on 20-3-92.</p>
		<p>11</p> <p>(HRBS) M(A)</p> <p>B/P</p> <p>(HTCSR) M(J)</p> <p>G</p> <p>-----4</p>

Phani Ray

OA 123/92

23

4

## Office Note

## Orders

At the request of Mr. N.R. Devaraj,  
list this case for admission hearing on  
23-3-92.

23-3-92

Y  
(HRBS) m(A) B/o (HCSR) m(J)

23-3-92

When this case was called, Mr. V.  
Venkateswara Rao, learned Counsel  
for the applicant was present. On  
a request by Mr. N.R. Devaraj, learned  
Standing Counsel for the Respondents  
list this case for admission hearing  
on 24-3-92.

Y  
HRBS  
m(A)

W/H  
HCJR  
m(J)

24-3-92  
order Report given both the  
Counsel deferred to 27-3-92

HRBS  
m(A)

Y  
Q  
Q

HCJR  
m(J)

---5

# Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./P.A. No.

123/1992

C. Sundaresan

Applicant (s)

VERSUS

The Secretary, Deptt. of Primary, N. Delhi & 20th Respondent (s)

Date	Office Note	Orders
17-2-92		<p>On a request by S. V. Venkateswara Rao, learned counsel for the applicant, list the case for admission hearing on 19-2-92.</p> <p>19-2-92</p> <p>On a request by Mr. V. Venkateswara Rao, learned counsel for the applicant, list this case for admission hearing on 21-2-1992.</p> <p>21.2.92</p> <p>When the case was called, Mr. N. R. Devaraj raised the question of alternative remedy under S.20 of the A.T. Act not having been exhausted. On this point, Mr. Venkateswara Rao for the applicant wanted further time to argue on the maintainability of the case. List this case for admission hearing on 28.2.1992.</p>
19 2 92		<p>19-2-92</p> <p>On a request by Mr. V. Venkateswara Rao, learned counsel for the applicant, list this case for admission hearing on 21-2-1992.</p> <p>21.2.92</p> <p>When the case was called, Mr. N. R. Devaraj raised the question of alternative remedy under S.20 of the A.T. Act not having been exhausted. On this point, Mr. Venkateswara Rao for the applicant wanted further time to argue on the maintainability of the case. List this case for admission hearing on 28.2.1992.</p>
21.2.92		<p>19-2-92</p> <p>On a request by Mr. V. Venkateswara Rao, learned counsel for the applicant, list this case for admission hearing on 21-2-1992.</p> <p>21.2.92</p> <p>When the case was called, Mr. N. R. Devaraj raised the question of alternative remedy under S.20 of the A.T. Act not having been exhausted. On this point, Mr. Venkateswara Rao for the applicant wanted further time to argue on the maintainability of the case. List this case for admission hearing on 28.2.1992.</p>

HRBS  
M(A)

HCJR  
M(J)

(P.T.O.)

OA 123/92

(u)

(2)

Date	Office Note	Orders
28-2-92		<p>At the request of Mr. Phani Raj on behalf of Mr. V. Venkateswara Rao list this case for admission hearing on 3-3-92.</p> <p>T. M. <i>[Signature]</i></p> <p>(HcBS) (HcCSR) M(A) M(S)</p>
3.3.92		<p><u>3.3.1992</u></p> <p>Mr. V. Venkateswara Rao, learned counsel for the applicant and Mr. N.R. Devaraj, learned Standing counsel for the respondents are present. Mr. Venkateswara Rao, during the course of the admission hearing took us through the evidence of the important witnesses that were examined by the Inquiry Officer. After taking us through the said evidence, Mr. Venkateswara Rao, learned counsel for the applicant contends that this is a case of no evidence and hence at the admission stage itself the punishment order imposed on the applicant is liable to be set-aside and the OA is liable to be allowed. He further contends that no criminal prosecution had been <del>done</del> <sup>done</sup> there as against the applicant with regard to the alleged incident and in view of this position that the respondents had no jurisdiction to initiate any disciplinary action as against the applicant and the entire disciplinary proceedings initiated against the applicant are vitiated. Mr. Devaraj, learned Standing counsel for the respondents takes us to the Inquiry Officer's report and contends</p> <p>contd....3</p>

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 123 OF 1992

Shri C. Sundarren

Applicant(s)

Versus

Secretary, Dept of Mines, N-Odelli

26m

Respondent(s)

This Application has been submitted to the Tribunal by

Mr. V. Venkateswar Rao

Advocate

under Section 19 of the Administrative Tribunal Act, 1985 and

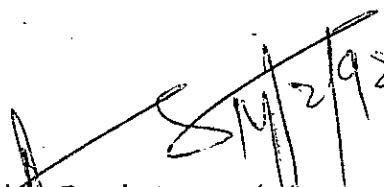
same has been scrutinised with reference to the points mentioned

in check list in the light of the provisions contained in the

Administrative Tribunal (Procedure) Rules, 1987.

The Application has been in order and may be listed  
for admission on - 29/2.

  
Scrutiny Officer.

  
Deputy Registrar (J)

## Particulars to be examined

## Endorsement as to result of examination

8. Has the index of documents been filed and has the paging been done properly ? *y*

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application ? *y*

10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal ? *y*

11. Are the application/duplicate copy/spare copies signed ? *y*

12. Are extra copies of the application with annexures filed.

- (a) Identical with the original *y*
- (b) Defective *y*
- (c) Wanting in Annexures *2*

No ...../Page Nos .....?

d) Distinctly Typed ? *2*

13. Have full size envelopes bearing full address of the Respondents been filed ? *y*

14. Are the given addresses, the registered addresses ? *y*

15. Do the names of the parties started in the copies, tally with those indicated in the application ? *y*

16. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *2*

17. Are the facts for the case mentioned under item No. 6 of the application.

- (a) Concise ? *y*
- (b) Under Distinct heads ? *2*
- (c) Numbered consecutively ? *y*
- (d) Typed in double space on one side of the paper ? *y*

18. Have the particulars for interim order prayed for, stated with reasons ? *y*

May be  
other

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

APPLICANT (S) *P. Sundeepan*

RESPONDENT (S) *Secretary, Deptt of Min., n Delhi & 264*

Particulars to be examined	Endorsement as to result of examination
1. Is the application Competent ?	4
2. (a) Is the application in the prescribed form ?	5
(b) Is the application in paper book form ?	
(c) Have prescribed number complete sets of the application been filed ?	5
3. Is the application in time ?	4
If not by how many days is it beyond time ?	2
His sufficient cause for not making the application in time, stated ?	
4. Has the document of authorisation / Vakalat name been filed ?	4
5. Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded.	5
6. Has the copy/copies of the order (s) against which the application is made, been filed ?	4
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ?	
(b) Have the documents referred to in (a) above duly attested and numbered accordingly ?	
(c) Are the documents referred to in (a) above neatly typed in double space ?	

## CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH.

INDEX SHEET.

O.A. No.

123/ 1992

CAUSE TITLE C. Sundarajan

VERSUS

Secretary, Deptt of Mines, N. Delhi 2 25th

Sl. No.	Description of Documents.	Page No
1.	Original Application	1 to 9
2.	Memorial Papers.	10 to 10.
3.	Vakalat	1.
4.	Objection Sheet	—
5.	Speaker Copies 3. (Thru)	—
6.	Covers. 3. 9A	—

Right to stand the Order of Compulsory retire the Applicants  
from Services Surveyor.

GENERAL (3)

BENCH CASE

GENERAL

Decided

In the Central Administrative Tribunal, Hyderabad Bench  
at Hyderabad

Ground  
(GSC)

O.A.No. 123 of 1992

Between:

C. Sundaresan ..

Applicant

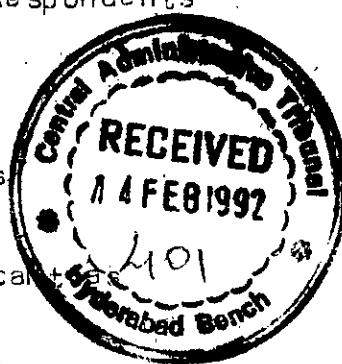
and

Union of India ..

Respondents

List of Chronology of Events

1. 2.5.1984 Appointment of the Applicant as surveyor.
2. 1.6.1987 Confirmation of the applicant
3. 8.5.1989 Suspension of the applicant
4. 5.7.1989 Charge memo issued to applicant
5. 12.7.1989 Repn. of the applicant
6. 17.7.1989 Applicant denied the charges
7. 24.7.1989 Appointment of Enq. officer
8. 6.3.1990 to 27.2.91 Enquiry proceedings
9. 16.8.1991 Submission of enquiry report.
10. 1.1.1992 Supply of copy of report to applicant
11. 16.1.92 Representation of the applicant
12. 10.2.1992 Imposition of penalty.



Hyderabad.

14.2.1992

*Verma*  
Counsel for Applicant.

*Right to stand the Order of Compulsory retire the Applicants  
from Services Surveyor  
M. N. Srinivas  
N. B. Shashank  
C.G.S.C 14/2/92 Allotted to M.R. Denraj  
N. B. Shashank  
C.G.S.C 14/2/92*

(6)

Application under section 19 of the A.T.Act, 1985

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNALS: HYD' BAD BENCH  
AT HYDERABAD.

Between:

C. Sundaresan .. Applicant

and

Union of India retd. by Secretary  
Department of Mines, Ministry of  
Steel & Mines, New Delhi & others ... Respondents

I N D E X.

S.No.	Description	Page Nos.	Annexure
1.	Original Application	1 to 8	
2.	Charge Memo dt 5.7.89	9 to 14	A.I
3.	Reptn. dt 16.1.92	15 - 16	A.2
4.	Office order dt 10.2.92 imposing penalty	17 - 18	A.3
5.	Office order dt 10.2.92 treating the suspension period as E.O.L.	19	A.4

  
COUNSEL FOR APPLICANT.

FOR TRIBUNAL OFFICE USE

Date of Filing:

Regn. No.

Signature of Registrar.

(P)

In the Central Administrative Tribunal, Hyderabad Bench  
at Hyderabad.

D.A.No. 123 of 1992

Between:

C. Sundaresan s/o K. Challa Pham  
aged about 34 years,  
occ: Surveyor, Geological Survey  
of India, Hyderabad r/o Hyderabad ... Applicant

and

1. The Union of India, repto. by the  
Secretary, Department of Mines,  
Ministry of Steel & Mines,  
Central Secretariat, New Delhi.
2. The Director General,  
Geological Survey of India,  
Calcutta- 700 016.
3. Senior. Dy. Director General,  
Geological Survey of India,  
Southern region, G.S.I.complex,  
Bandalguda, Hyderabad-500660. ... Respondents

#### I. PARTICULARS OF THE APPLICANT:

The particulars of the applicant herein are  
the same as mentioned in the cause title above.

His address for the purpose of service of  
summons, notices, etc. is that of his counsel M/s V.  
Venkateswar Rao & K. Phani Raju, Advocates, 1-1-267/27  
Chikkadpalli, Hyderabad-500020.

#### II. PARTICULARS OF THE RESPONDENTS:

The particulars of the respondents are the same  
as mentioned in the cause title above.

Their addresses are also same as mentioned in  
the cause title above.

#### III. ORDERS AGAINST WHICH THIS D.A. IS FILED:

This D.A. is filed by the applicant challenging  
the validity of the order No. 195/C-14013/7/89-Vig. dated  
10.2.1992 issued by the 3rd respondent imposing the penalty

of compulsory retirement from service.

**IV. JURISDICTION:** ~~xxxxxx~~ The applicant declares that the subject matter of the U.A. is within the jurisdiction of this Honourable Tribunal as per section 14(1) (a) of the Administrative Tribunals Act, 1985 since the applicant is an employee of Geological Survey of India at Hyderabad.

**V. LIMITATION:** The applicant further declares that the U.A. is filed within the limitation period prescribed in section 21(1) of the Administrative Tribunals Act, 1985 in as much as the impugned order is dated 10.2.92 against which there is no alternative efficacious remedy.

**VI. FACTS OF THE CASE:**

The applicant respectfully submits that he was appointed as Surveyor in Geological Survey of India by the Deputy Director General, Geological Survey of India, Southern Region, Hyderabad vide his office order dated 2.5.1984. He was appointed as such by virtue of his being selected in the direct recruitment. He was put on probation for a period of two years and he completed the same satisfactorily. Therefore, his services were confirmed by the third respondent with effect from 1.8.1987 and thus he became permanent employee of the Geological Survey of India.

(b) The applicant was placed under suspension w.e.f. 8.5.1989 on the ground that disciplinary proceedings were contemplated against him. Later on the applicant was served with the charge memo issued by the third respondent vide ref. No. 770/C.14013/7/89-Vig. dated 5.7.1989. Two charges were levelled against him alleging the acts of moral turpitude and misconduct. The applicant vide his letter dated 12.7.89

addressed to the third respondent requested for supply of copies of the documents relied upon by the administration to prove the charges levelled against him. Inspite of specific request made by the applicant copies of the documents were not made available to the applicant. The applicant vide his letter dated 17.7.1989 denied the charges levelled against him and requested for oral enquiry. Thereafter the third respondent appointed Sri P.S.Rao director-incharge, Madras as enquiry officer vide his office order No.C-14013/7/89-Vig dt 24.7.1989. Mr.N.C.Murali, Geophysicist(senior) was also appointed as Presenting officer vide office order dt 24.7.1989. The applicant herein engaged Sri N.R.Mukherjee as his defence assistant in the enquiry instituted against him. The enquiry officer held the enquiry on 6.3.1990, 24.4.90, 25.4.90, 19.6.90, 11.9.90, 13.9.90, 27.11.90, 28.11.90 and 27.2.91 at Hyderabad, Bangalore and Madras respectively. The enquiry officer who was Director-incharge was promoted to the post of Dy. Director General equivalent to the post of disciplinary authority during the course of enquiry. After conclusion of the enquiry sittings and the evidence, the presenting officer submitted his written brief on 18.3.91 and the defence assistant of the applicant submitted his written brief on 1.5.91. Thereafter suspension of the applicant was revoked by the third respondent vide his office order dt 12.7.91. The enquiry officer submitted his report and the findings to the disciplinary authority on 16.8.1991. The enquiry officer held the two charges levelled against the applicant as proved and established. The copy of the enquiry officer's report was furnished to the applicant by the third respondent vide his letter dated 1.1.1992. Thereafter the applicant submitted his

(B)

- 4 -

representation to the third respondent on 16.1.1992 (A3) raising his objections to the conclusions arrived at by the enquiry officer and holding him guilty of the charges levelled against him. The third respondent vide his office order No.195/C.14013/7/89-Vig dt 10.2.1992 (A3) imposed the penalty of compulsory retirement on the applicant on the basis of the findings of the enquiry officer. The suspension period from 8.5.89 to 11.7.91 was treated as E.O.L. (extraordinary leave) which will not count for pensionary benefits vide his office order No.199/C.14013/7/89-Vig dt 10.2.92. (A1)

(c) It is respectfully submitted that the impugned order dated 10.2.1992 issued by the third respondent imposing the penalty of compulsory retirement on the applicant is highly illegal, arbitrary, malafide, unconstitutional and without jurisdiction. As such the impugned order is liable to be set aside by this Honourable Tribunal on the following grounds:

G R U N D S

(i) The enquiry initiated against the applicant is wholly without jurisdiction. The provisions of C.C.S(C.C.C.A)Rules & Conduct Rules do not attract the alleged act of misconduct. The imputation is totally unconnected with the discharge of official duties and relates purely to a criminal offence against a private citizen. In this connection, the applicant relies upon 1990(1)SLJ (CAT) 385 (Mad) whose finding is as follows:

"Where the imputation is with respect to conduct, totally unconnected with the discharge of official duties but it relates purely to a criminal offence against a private citizen, just because the matter is brought to the attention of the disciplinary authority, it is not justified in straightaway initiating disciplinary proceedings, without even ascertaining whether the criminal law is set in motion by the affected citizen."

(ii) The enquiry officer and the disciplinary authority are prejudiced and biased throughout the enquiry which is apparent on the face of the record

(iii) The originals of the documents relied upon by the administration have not been marked in the enquiry. The applicant was not furnished with the copies of the documents requested for by him. The enquiry officer unnecessarily interfered with the cross-examination of the witnesses of the administration and did not permit the defence assistant to cross-examine the ~~witness~~ witnesses on vital and important points. Thus, the applicant was denied reasonable opportunity to defend his case in the enquiry.

(iv) There is no evidence on which the enquiry officer could have relied to arrive at his conclusions and hold the applicant as guilty of the charges levelled against him. His findings are wholly perverse and baseless and are only based on his surmises and presumptions.

(v) There is no independent application of mind by the disciplinary authority to the enquiry proceedings. He issued the impugned proceedings punishing the applicant in a most mechanical way.

(vi) Extraneous considerations weighed in the minds of the enquiry officer and the disciplinary authority to prove the charges against him and punish him with major penalty of compulsory retirement out of their bias and prejudice. On account of this the entire enquiry proceedings are vitiated in law and are not valid in law.

(vii) It is evident on the face of the record that the authorities are predetermined to punish the applicant which lead to the issue of the impugned proceedings imposing major penalty on the applicant.

(viii) The enquiry was held in utter violation of the procedure laid down in the C.C.S.(CCA) Rules for imposing the major penalty and violating the principles of natural justice.

(ix) The alleged acts of misconduct on the part of the applicant are not attracted by the provisions the C.C.S.(Conduct)Rules. Therefore the enquiry instituted against the applicant is without any authority of law and the same liable to be quashed.

(x) At any stretch of imagination, it cannot be held that the charges are proved against him without any cogent evidence on record.

#### RELIEF

Therefore, it is prayed that this Honourable Tribunal may be pleased to call for the records pertaining to the office orders No.195/C.14013/7/89-Vig dt 10.2.1992 (A-3) and No.199/C.14013/7/89-Vig. dt 10.2.1992 (A-4) issued by the third respondent and set aside the same by holding them as illegal, arbitrary, malafide, unconstitutional and without jurisdiction and declaring that the applicant is entitled for reinstatement with all consequential benefits such as seniority, back wages, promotion etc. and pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances of the case.

## VIII. INTERIM RELIEF

Pending disposal of the above O.M., it is further prayed that this Honourable Tribunal may be pleased to suspend the operation of the impugned order No.195/C.14013/7/89-Vig dated 10.2.1992 issued by the third respondent and pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances of the case. If the impugned order is not suspended, the applicant would suffer irreparable loss and damage in as much as his livelihood is taken away in any arbitrary and illegal manner. (A-3)

IX. DETAILS OF REMEDIES EXHAUSTED: The applicant  
declares that there is no other alternative efficacious  
remedy in the circumstances except to approach this  
Honourable Tribunal seeking redressal of his grievance.

X. MATTER NOT PENDING WITH ANY OTHER COURT: The applicant further declares that the matter regarding which the application has been made is not pending before any court of law or any other authority or any other bench of the Tribunal. The applicant has not moved any other court or authority for the relief claimed in the present C.A.

XI. PARTICULARS OF THE MAXX POSTAL ORDER TOWARDS D.A. E.E.

I.P.O.No. 04 435869 dated 13.2.1992 for Rs.50/-  
to the credit of Registrar, Central Admn. Tribunal,  
Hyderabad Bench is enclosed.

An 8x Index of material papers.  
in. duplicate containing the details of the documents to  
be relied upon is enclosed.

XIII. LIST OF ENCLOSURES: 1. I.P.O. for Rs.50/-  
2. Index of Material papers.

(13)

- 8 -

Verification

I, C. Sundaresan, s/o K. Challappan, aged about 34 years, occupation: Surveyor, G.S.I., r/o Hyderabad, applicant in the above C.R. do hereby verify that the contents of the paragraphs I to XIII are true and correct to the best of my knowledge and are believed to be true on legal advice and we have not suppressed any material facts.

Hence, verified on this the 14th day of February, 1992 at Hyderabad.

Hyderabad  
14.2.1992

C. Sundaresan  
APPLICANT.

  
Counsel for Applicant.

To

The Registrar,  
Central Administrative Tribunal,  
Hyderabad Bench,  
Hyderabad.

Geological Survey of India  
Southern Regional Office,  
Hyderabad - 500 001.

No. 170/ C.14013/7/89-Vig

Dated, the 5 July, 1989

## MEMORANDUM

The undersigned proposes to hold an enquiry against Shri C. Sunderesan, Surveyor (Under Suspension) under rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article(s) of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom the article(s) of charge is/are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Shri C. Sunderesan, Surveyor (Under Suspension) is directed to submit within 10(ten) days of the receipt of the Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an enquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri C. Sunderesan, Surveyor (Under Suspension) is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the enquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/ directions issued in pursuance of the said rule, the enquiring authority may hold the enquiry against him ex parte.

5. Attention of Shri C. Sunderesan, Surveyor (Under Suspension) is invited to rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri C. Sunderesan, Surveyor (Under Suspension) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 20 of the Central Civil Services (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

R.V. Chalapathi Rao  
( R.V. CHALAPATHI RAO )  
By: Director General,  
Disciplinary Authority.

Encl: as above.

To

Shri C. Sunderesan, Surveyor (Under Suspension)

Geological Survey of India,

P&C Division, GSI, SRO, . . . . .

Hyderabad.

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI C.SUNDERESAN  
SURVEYOR, GEOPHYSICAL SURVEY OF INDIA, SOUTHERN REGION, HYDERABAD

(B)

Article - I

That the said Shri C.Sunderesan, Surveyor while functioning in Panankallur Geophysical Camp has misbehaved with Smt. Rama Devi wife of Shri K.Chandramouli, Asst.Geophysicist and tried to molest and outrage her modesty around 3.30 PM on 8th April, 1989 which amounts to MURAL TURPITUDE. Shri C.Sunderesan has thus failed to maintain absolute integrity and behaved in a manner unbecoming of a Government Servant in violation of Rule 3(1)(i)&(iii)of CCS(Conduct) Rules, 1964.

Article - II

That the said Shri C.Sunderesan, Surveyor while functioning in the Panankallur Geophysical Camp had sent the Watchman on duty out of the Camp around 3.15 PM on 8th April, 1989 without having any authority to do so for his private work with the sole intention of trespassing into the tent of Shri K.Chandramouli, Asst.Geophysicist in his absence as well as in the absence of the watchman on duty,

The above act of Shri C.Sunderesan to send the watchman on duty out of the camp not only resulted in exposing the Government Properties in the Camp to the security threat but also goes to prove that Shri Sunderesan had ulterior motive to misbehave with Smt.K.Rama Devi w/o Sri K.Chandramouli.

Shri C.Sunderesan, Surveyor has thus failed to maintain absolute integrity and devotion to duty and behaved in a manner unbecoming of a Government Servant in violation of Rule 3(1)(i)(ii) & (iii) of CCS(Conduct) Rules of 1964.

ANNEXURE - II

Statement of imputation of misconduct in respect of Article of Charge framed against Shri C.Sunderesan, Surveyor, GSI, Hyderabad

Article - I

That while functioning in Panankallur Geophysical Camp of GSI, SR Shri C.Sunderesan, Surveyor in a pre-planned manner and ensuring that there was nobody in the camp, by sending away the watchman on a petty mission except Smt.K.Rama Devi, W/o Shri K.Chandramouli, Asst.Geophysicist entered into the tent

(6)

of Shri K.Chandramauli, Asst.Geophysicist ~~misbehaved with his~~ around 3.30 PM on 8th April, 1989 and misbehaved with his wife Smt. K.Rama Devi and tried to molest and outrage her modesty.

This action on the part of Shri C.Sunderesan, amounts to Moral Turpitude and crime on woman, thus has failed to maintain absolute integrity and behaved in a manner unbecoming of a Government Servant in violation of Rule 3(1)(i) & (iii) of CCS (Conduct) Rules, 1964.

### Article - II

#### IMPUTATION OF MISCONDUCT

That the said Shri C.Sunderesan, Surveyor while functioning in Panankallur Geophysical Camp and after seeing that S/Shri K.Chandramauli, Asst.Geophysicist, RK Godam, STA(Geoph) (Workshop Instt) and Puran Bahadur, Driver had left the Camp around 3 PM on 8th April, 1989 for field duty had asked the watchmen on duty Shri Mohnboob to go to MEC Camp to hand over some mangoes to one Shri Abraham with the sole intention to trespass into the tent of Shri K.Chandramauli, Asst.Geophysicist in his absence as well as in the absence of the Watchman on duty. Later on his misbehaviour with Smt.K.Rama Devi, W/o Shri Chandramauli, Asst.Geophysicist when he tried to molest and outrage her modesty, when there was nobody in the camp clearly shows that Shri Sunderesan had sent the watchman out of the camp without having any authority to do so in a preplanned manner with ulterior motive. The above act of Shri Sunderesan to send the ~~the~~ watchman out of the camp also resulted in exposing the Govt. Properties in the camp to the security threat which shows that Shri Sunderesan had shown lack of devotion to duty.

Shri Sunderesan, Surveyor has thus failed to maintain absolute integrity and shown lack of devotion to duty and behaved in a manner unbecoming of a Govt. Servant in violation of Rule 3 (1) (i) (ii) & (iii) of CCS(Conduct) Rules 1964.

List of Documents by which the Article of Charge framed  
against Shri C.Sunderesen, Surveyor, GSI, Hyderabad are

Proposed to be sustained

(17)

1. Written Statement dated 17-4-1989 of Smt.K.Ruma Devi w/o Shri K.Chandramauli, Asst.Geophysicist
2. Letter dated 17-4-1989 addressed to S.P.Shankaran, Geophysicist(Sr), GSI Camp, Pamankallur by Shri K.Chandramauli, Asst. Geophysicist
3. Written Statement made by Shri R.Madhusudan, Geologist Op: Karnataka & Goa, Economic Geology -I, Bangalore on 30-4-1989
4. Letter dated 21-4-1989 addressed to Shri S.P.Shankaran, Officer-in-Charge, GSI, Pamankallur Camp by Shri RK Gedam G.I.A. (Geophysical Workshop Inatt.)
5. Letter dated 18-4-1989 from Shri Puran Bahadur, Driver, Geophysical Party addressed to the Party Chief, GSI Camp, Pamankallur
6. Letter dated 17-4-1989 from Shri Mahboob, Watchman, addressed to Shri S.P.Shankaran, Geophysicist(Sr) on Pamankallur Geoph.Camp
7. Letter dated 17-4-1989 from Shri Moula S/o Hussain Seheb Priyare, attached to Geologist Camp addressed to the Officer-in-Charge, Pamankallur Geophysical Camp

...  
.

(5) (18)

List of witnesses by whom the articles of charge framed  
against Shri C.Sunderesan, Surveyor are proposed to be sustained

1. Smt. K.Rama Devi, W/o Shri K.Chandramauli, Asst.Geophysicist  
GSI, SR, Hyderabad.
2. Shri K.Chandramauli, Asst.Geophysicist, GSI, SR, Hyderabad
3. Shri A.Muthuswamy, Geologist, Geophysical & Env. Geomagnetic  
Survey Division-I, GSI, Bangalore.
4. Shri I.Mohammed, Watchmen
5. Shri S.P.Shankaran, Geophysicist(Sr), GSI, Hyderabad
6. Shri R.K.Sedam, STA(Geoph.Workshop), GSI, Hyderabad
7. Shri Puzam Behadur, Driver, GSI, Hyderabad
8. Shri Maula Saab, S/o Hussain Saab Pingsara, Pamankallur

(19)

From: C.S.Bunderseem  
 Surveyor  
 P.C. Division  
 GSI, SRD,  
 Hyderabad

Sr.Dy.Director General  
 and  
 Disciplinary Authority  
 Geological Survey of India  
 Southern Region  
Hyderabad

Sub : Disciplinary proceedings under Rule-14 of CCS  
 (CCA) Rules, 1965;

Ref : Your Confidential letter, No.30/C.14013/7/89-Vig.  
 dated 1.1.92.

Sir,

I gratefully acknowledge the receipt of the above  
 Forwarding the report of the Inquiry Officer and calling  
 upon me to make a representation on it, if I so like.

I have gone through the report very carefully and have,  
 with a heavy heart, found how the Inquiry Officer, jumped to  
 his own conclusions, disadvantageous to the charged official,  
 mainly due to inadequate appreciation of the points clarified  
 during the course of cross-examination of the prosecution  
 witnesses. The findings of the Inquiry Officer should have  
 been based only on evidence adduced during the enquiry. His  
 conclusion should have been logical unlike the one he has  
 presented that appears as if he had already made up his mind  
 and that he is making a one-sided presentation of the case to  
 support it. It would have been judicious for him to probe into  
 the relevant issues only.

The charged official feels confident that the Disciplinary  
 Authority, after going through the papers connected with the  
 enquiry, will not fail to take his own decision that would meet  
 the both ends of justice. The applicant, however, elect to  
 utilise this opportunity to bring out a few points.

According to charge-sheet, the crime that alleged to  
 have committed by the charged official on 8.4.89 was against  
 one Smt.K.Rama Devi who was an outsider and non-official. The  
 defence was interested to know from the aggrieved party as to  
 what prevented them to react immediately and lodge the complaint  
 with the law and order machinery of the country particularly  
 when the local Police station was nearby. Instead of doing so,  
 on what consideration the complainant keeping quiet for a long  
 period of nine days and made a complaint on 17.4.89. Finding  
 the reply of the prosecution witness not satisfactory enough,  
 the Inquiry Officer in his report has come forward in their  
 succour. In page 9, para 5.1 of the Inquiry Report, the Inquiry  
 Officer's reply to above is that when a person has more than  
 one legal channel of redress, it is for him(the aggrieved) to  
 make his choice. It is the inherent right of every citizen of  
 India and it can not be questioned.

The Inquiry Officer in making such comment has completely  
 overlooked the more pertinent point that Smt.Rama Devi, being  
 a private person, the Central Civil Service Rules are not  
 binding on her personal affairs. The intention of the defence  
 has been misconstrued by the Inquiry Officer when he says that

7  
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inherent right of a citizen can not be questioned. The intention was to ascertain from the aggrieved as to what prevented them to exercise the right enjoyed by them as citizen. Unfortunately enough, the Inquiry Officer in his bid to protect the right of a citizen, forgets to exhibit his concern for the rights of a Govt. servant.

The connected issue will be further elucidated, if a similar case adjudicated at the Central Administrative Tribunal, is referred to. The case is C.Kanniappan Vs. Director, Jawaharlal Institute of Post Graduate Medical Education and Research, 1990(1) SLJ(CAT) 385(Madras). The opinion of the Tribunal in the case is reproduced below :-

"Where the imputation is with respect to conduct, totally unconnected with the discharge of official duties but it relates purely to a criminal offence against a private citizen, just because the matter is brought to the attention of the disciplinary authority, it is not justified in straightway initiating disciplinary proceedings, without even ascertaining whether the criminal law is set in motion by the affected citizen."

The charged official believes that the disciplinary authority will, after going through the papers of the enquiry, find that the Inquiry Officer has, on almost all points of his analysis and conclusions, relied more on extraneous events than on evidences. At this stage, the applicant feels that all those points are not required to elaborate since those are so palpable. It is, however, seen that the Inquiry Officer has forgotten to mention in his report that the Presiding Officer has lost all original documents relating to the case and was kept at his disposal as far back as 26th February, 1991 though the matter was mentioned during the enquiry.

Yours faithfully,

Hyderabad,  
Dated: 16.1.92.

(C.Sundararajan)  
Surveyor, P & C Division  
CSI, SRO, Hyderabad

A-3  
(21)

Confidential

GOVT. OF INDIA

No. 195/C.14013/7/89-Vig.

Geological Survey of India  
Southern Region  
GSI Complex : Bandlaguda  
Hyderabad-500 660, AP

Dated, the 10th Feb. '92

O R D E R

Whereas charges against Shri C. Sunderesan, Surveyor, Geological Survey of India, Southern Region, Hyderabad, were framed under Rule 14 of the C.C.S. (CC&A) Rules 1965 and charge Memorandum with Articles of charges, statement of imputations, list of documents and witnesses at Annexure I to II was served on Shri C. Sunderesan, vide this office order No. 770/C.14013/7/89-Vig dated 5-7-1989.

And Whereas Shri C. Sunderesan, Surveyor, in his statement of defence denied the charges levelled against him and expressed his desire to be heard in person through his reply dated 17-7-1989.

And whereas Shri P.S. Rao, then the Director-in-Charge and now Deputy Director General, Op:TNK&P Madras, was accordingly appointed as Inquiring Authority to inquire into the charges framed against Shri C. Sunderesan, Surveyor, and Shri N.C. Murali, Geophysicist(Sr.) was appointed as presenting officer vide O.O.Nos. 843 & 845/C.14013/7/89 dt. 24-7-89.

And whereas the Inquiry Officer on consideration of oral deposition made and examination of the documentary evidence produced before him in the subject case has come to the definite conclusions that the charges framed under Article I & II have been proved.

Article I

The charge under Article I, is that Shri C. Sunderesan, Surveyor, while functioning in Penenkallur Geophysical Camp, has misbehaved with Smt K. Rama Devi W/o Shri K. Chandra Mauli, Assistant Geophysicist and tried to molest and outrage her modesty around 3.30 p.m. on 8th April, 1989, which amounts to moral turpitude.

In the oral deposition made by the charged official/ witnessess and the Defence Assistant, the I.O. has come to the conclusion that the charge under the Article is proved.

I, concur with the conclusion of the I.O. that the allegation under article stand proved.

Article II

The charge under Article II, is that Shri C. Sunderesan, Surveyor, while functioning in the Penenkallur Geophysical Camp had sent the watchman on duty out of the camp around 3.15 p.m. on 8th April 1989 without having any authority to do so for his private work with the sole intention of trespassing into the tent of Shri K. Chandra Mauli, Asstt. Geophysicist, in his absence as well as in the absence of watchman on duty.

The above act of Shri C. Sunderesan to send the watchman on duty out of the camp not only resulted in exposing the Government property in the camp to the security threat but also goes to prove that Shri Sunderesan had ulterior motive to misbehave with Smt. K. Rama Devi.

Contd.....2/-

(22)

In the oral deposition made by the charged official, witnesses and Defence Assistant, the I.O. has come to the conclusions that the charge is proved.

I concur with the conclusions of the I.O. that the allegation under Article II, stands proved.

I therefore, consider that the ends of the justice will be met by passing the following order.

O R D E R

Whereas on consideration of the records of the disciplinary proceedings instituted against Shri C. Sunderesan, Surveyor, Geological Survey of India, Southern Region, Hyd. the undersigned is satisfied that good and sufficient reasons exist for imposing upon the said Shri C. Sunderesan, Surveyor, the penalty hereinafter specified.

Now, therefore, the undersigned hereby impose on Shri C. Sunderesan, Surveyor, Geological Survey of India, S.R., the penalty under Rule 11(VII) of the C.C.S.(CC&A) Rules 1965, & order that Shri C. Sunderesan, Surveyor, G.S.I., S.R.O., Hyd. is retired compulsorily from the Government Service with immediate effect.

*L. R. Subrahmanyam*  
10/21/92

(M.N. BALASUBRAHMANYAM )  
Sr.Dy.Director General &  
Disciplinary Authority

To

Shri C. Sunderesan,  
Surveyor,  
G.S.I., S.R., Hyd.

GOVT.OF INDIA

Geological Survey of India  
Southern Region  
GSI Complex, Bandlaguda  
Hyderabad-500 660, AP

/C.14013/7/89-Vig.

Dated, the 10th Feb.'92

O R D E R

- Disciplinary proceedings against  
Shri C. Sunderesan, Surveyor & the  
treatment of period of suspension -Reg.

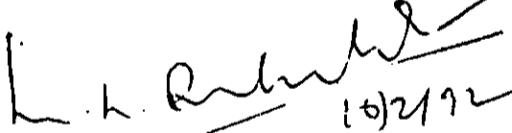
Whereas Shri C. Sunderesan, Surveyor,  
Geological Survey of India, Southern Region, Hyderabad,  
was placed under suspension with effect from P-5-89  
vide this office order No. 527/C.14013/7/89-Vig. dated, the  
8th May, 1989.

And whereas the said suspension was revoked with  
effect from 12-7-1991 pending appropriate action in the case,  
and departmental disciplinary proceedings against him vide  
this office order No. 765/C.14013/7/89-Vig. dt.12-7-1991.

And whereas on completion of the Enquiry proceedings  
against Shri C. Sunderesan and based on the report of the  
Enquiry Officer (vis-a-vis the depositions made by the  
charged official, and witnesses and the Defence Assistant),  
the undersigned had imposed Major penalty on Shri C.  
Sunderesan, Surveyor.

And whereas the admissibility of Pay and allowances  
and treatment of service during the period of suspension of  
Shri C. Sunderesan from 8-5-89 to 12-7-91 are to be decided in  
terms of Rules.

Now, therefore, the undersigned after careful  
consideration of the case has come to the conclusion that  
since a Major Penalty has been imposed against the said Shri.  
C. Sunderesan. The entire period of suspension from 8-5-89 to  
12-7-1991 shall be treated as E.O.L. (which will not count  
for pensionary benefits).

  
(6)21/92  
(M.N. BALASUBRAHMAMIAN)  
Sr.Dy.Director General &  
Disciplinary Authority

To

✓ Shri C. Sunderesan,  
Hyderabad.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD  
O.A. NO. 123 OF 1992.

Between  
C.SUNDARESAN

... APPLICANT

and

1. The Union of India represented  
by the Secretary, Ministry of  
Mines, New Delhi.

2. The Director General,  
Geological Survey of India,  
Calcutta.16

3. The Sr.Dy.Director General,  
Southern Region,  
Geological Survey of India,  
Hyderabad-500 660.

... RESPONDENTS

COUNTER AFFIDAVIT FILED ON BEHALF OF  
RESPONDENTS 1 to 3.

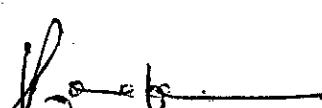
I, A.V.P.Rao, S/o Late Somasekhara Rao aged  
about 50 years, Occupation: Govt.Service, resident of  
Hyderabad do hereby solemnly affirm and state as follows:

I am the Sr.Administrative Officer in the  
office of the Third Respondent and as such I am fully  
acquainted with all facts of the case. I have read the  
application filed by the applicant and noted the contents  
thereof. I am filing this counter affidavit on my behalf  
and on behalf of other respondents as I have been auth-  
orised to do so. The material averments in the Application  
are denied save those that are expressly admitted herein.  
The applicant is put to strict proof of all such averments  
except those that are specifically admitted hereunder.

2. At the outset it is submitted that the application  
is liable to be dismissed in limine as the applicant has  
not exhausted the Departmental remedies before filing this  
application as required under Section 20 of the Central Ad-  
ministrative Tribunal's Act~~tion~~ 1985.

3. It is submitted that the applicant was found  
guilty of attempt to molest the modesty of the wife of a  
colleague and the disciplinary authority, after conducting

contd...2

  
Senior Administrative Officer  
Southern Region  
Geological Survey of India

  
Senior Administrative Officer  
Southern Region  
Geological Survey of India

Departmental inquiry as per the Provisions of the C.C.S. (CCA) Rules, has imposed the penalty of 'Compulsory Retirement' vide Order No.195/C.14013/7/89-Vig dated 19.2.1992 against which the present application has been filed immediately after the award of punishment without fulfilling the requirements of Section 20 Central Administrative Tribunal Act.

4. It is submitted that this is not a case of no evidence and the applicant has no valid or compelling reasons viz. denial of Natural Justice/reasonable opportunity to invoke the extraordinary jurisdiction of this Hon.ble Tribunal for redressal without complying with the provisions of the Central Administrative Tribunal Act. The application is therefore liable to be dismissed on this ground alone.

5. Without prejudice to the above preliminary objection, the following submissions are made on the points raised in the application:

6. The averments contained in para VI (a) & (b) pertain to the brief background of the disciplinary proceedings leading to the present application and therefore need no comments.

7. In reply to para VI (c) it is submitted that the penalty under Rule 14 of the CCS (CCA) Rules, 1965 of Compulsory Retirement imposed on the applicant is valid, legal and perfectly in order, as the same has been imposed by the competent authority after due process and in accordance with the provisions of CCS (CC&A) Rules.

8. In reply to Para VI (i) it is submitted that the attempt to molest the wife of an Officer and colleague during office hours within the office premises (i.e. in the Geophysical camp located near Paramakallu village, Karnataka) and his irresponsible behaviour in sending the chowkidar away from camp thereby exposing the Govt. property to security risk constitute misconduct under the provisions of CCS (Conduct) Rules, 1964. The disciplinary proceedings conducted and the penalty imposed are therefore valid and in order. Non-filing of a criminal case by the aggrieved party does not forbid the Department from initiating Departmental proceedings when misconduct is brought to its notice as contended by the applicant.

contd...3.

  
Administrative Officer,  
Geological Survey of India  
Southern Region, Hyderabad.

  
Senior Administrative Officer  
Southern Region  
Geological Survey of India

(24)

9. In reply to para VI (ii) it is submitted that the allegation that the Disciplinary authority and Inquiry Officer are prejudiced and biased against the applicant are baseless, totally false and not borne out by facts. Therefore denied. The applicant is put to strict proof of the same.

10. Regarding the averments that original documents relied upon have not been marked in the inquiry and applicant had not been furnished with the copies contained in para VI (iii) are denied. The procedure laid down under Rule 14 of the CCS (CC&A) Rules (Govt. of India Instructions (22) and (26) in connection with the inspection of documents/supply of copies have duly been followed. The Rule position has been brought to the notice of the applicant on 21.7.1989.

11. Regarding denial of opportunity to cross-examine ~~most~~ of the witnesses to the applicant, it is submitted that it is evident from the proceedings of the inquiry that the occasions ~~xxxxxx~~ on which the Inquiry Officer had intervened in the examinations of the witnesses are very few and occasions involving alleged denial of reasonable opportunity to the defence Counsel to cross examine the witnesses are totally absent.

12. In reply to para VI (iv) it is submitted that nothing could be farther from truth than the averment that the findings of the Inquiry Officer are 'wholly perverse, baseless etc. A cursory reading of the Inquiry report itself clearly indicates that the records/oral depositions have been analysed and conclusions have been arrived at relying upon the circumstantial evidence in accordance with the provisions of CCS (CC&A) Rules. The dispassionate discussions in respect of each article of charge vis-a-vis evidence adduced contained in the Inquiry report dispel the averments contained in the para.

13. The averment that the disciplinary authority has passed the impugned order <sup>in</sup> ~~in~~ a most mechanical way is denied. It is submitted that the Inquiry Report itself is a document containing elaborate discussions/analysis of the records/depositions of the witnesses on each of

contd...4.

*N. S. S. 2/11/2*  
Senior Administrative Officer  
Southern Region  
Geological Survey of India

*Guru*  
Senior Administrative Officer  
Southern Region  
Geological Survey of India

the articles of charge with detailed explanations for the conclusions arrived at by the inquiry officer. ~~in respect of~~ The disciplinary authority after careful consideration of the said report alongwith the relevant documents and explanation of the applicant on the Inquiry report has come to the conclusion that the conclusions of the inquiry officer are well founded and therefore concurred with them. The order of the Disciplinary Authority is therefore in order.

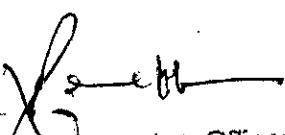
14. In reply to the averments contained in paras VI (vi) and (vii) it is submitted that the alleged 'extra-neous considerations' 'bias and prejudice' and 'pre-determination to punish the applicant' by the Disciplinary authority and inquiry officer have no basis and therefore false due to the simple fact that two different Sr.Dy.Directors General (disciplinary authorities at different stages of the disciplinary proceedings) were concerned with the issue of charge sheet and imposition of penalty. Just because the applicant has been awarded with a penalty it cannot be assumed that all the officers connected with the case at different stages are against the applicant.

15. With regard to para VI (viii) it is submitted that the disciplinary proceedings under reference have been conducted strictly in accordance with the provisions of the CCS (CC&A) Rules and there is no violation of any of the provisions as alleged by the Applicant.

16. In reply to Para VI (ix) it is submitted that for the reasons already stated vide para 4 above the misconduct of the applicant attracts the provisions of CCS (Conduct) Rules and the inquiry instituted and penalty imposed are therefore legal and valid.

17. In reply to Para VI (x) it is submitted that the Rules of Evidence contained in Evidence Act are not applicable in toto to Deptl. proceedings. The evidence as per the standards prescribed for Deptl. Proceedings in CCS (CC&A) Rules have strictly been followed.

Contd...5.

  
Administrative Officer,  
Geological Survey of India  
Southern Region, Hyderabad.

  
Senior Administrative Officer  
Southern Region  
Geological Survey of India

(26)

The oral/documentary evidence adduced before the Inquiry officer is sufficient enough to hold the applicant guilty of the charges and impose the penalty in accordance with the provisions of CCS (CC&A) Rules. It is submitted that the alleged lacunae in conducting the oral inquiry listed in the application are not based on facts but borne out of the imagination of the applicant.

18. In view of the above submissions it is clear that the applicant has not made out any case and there is no merit in the O.A. For the reasons stated above the Hon'ble Tribunal may be pleased to dismiss the O.A. with cost and pass such other or further orders as it deems fit and proper in the circumstances of the case.

*Guru*  
DEPONENT Senior Administrative Officer  
Southern Region  
Geological Survey of India

Solemnly and sincerely  
affirmed this *6th* day  
of *July* 1992 and he signed  
his name in my presence.

*Net*  
Attester  
Administrative Officer,  
Geological Survey of India,  
Southern Region, Hyderabad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD.

O.A. NO.123 OF 1992

*Ans* COUNTER AFFIDAVIT

*Ans  
20/6*

FILED ON :

FILED BY

Shri N.R.DEVARAJ

Central Govt. Standing Counsel,  
HYDERABAD.



*6  
1417*

.. 2 ..

O.A.No.123/92Date of Order: 21.2.95

X As per Hon'ble Shri A.V.Haridasan, Member (Jud1.) X

- - -

This application has been filed by the applicant who was a Surveyor in Geological Survey of India impugning the order dt. 14.2.92 by which he was compulsorily retired from service by way of punishment. The respondents in their reply have inter-alia taken a contention that the application is not reasonable as the applicant has failed to exhaust the departmental/remedy statutory provided. But the application has already been admitted. When the application came up for final hearing it is noted that the dispute in this case is not which can be finally adjudicated by a Single Member. But the counsel on either side submits that as the applicant has not preferred an appeal to the appellate authority against the impugned order if he files an appeal now the same would be considered and disposed of by the appellate authority and in view of the matter the application may be disposed of without entering into an adjudication with a proper direction to the applicant and to the respondents with regard to the filing of the appeal there of by the appropriate appellate authority.

2. In the light of the above submission of the learned counsel on either side the application is disposed of with the following directions:

The applicant may file an appeal against the impugned order dated 10.2.92 within a period of one month from the date of receipt of a copy of this order.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD.

O.A.NO.123 of 1992.

Between

Dated : 21.2.1995.

C.Sundaresan

...

Applicant

-Vs.

1. The Union of India, reptyd by the Secretary, Department of Mines, Ministry of Steel & Mines, Minister Central Secretariat, New Delhi.
2. The Director General, Geological Survey of India, Calcutta.
3. Senior. Dy. Director General, Geological Survey of India Southern Region, G.S.I.Complex, Sandalaguda, Hyd.

...

Respondents

Counsel for the Applicant : Sri. V.Venkateswara Rao

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. A.V.Haridasan, Judicial Member

Contd:....2/-

.. 3 ..

If such an appeal is filed within the afore-stated period the second respondent shall as agreed to by the respondents counsel dispose of the appeal on merits by passing a reasoned order within a period of three months from the date of receipt of the appeal though filed beyond the period prescribed for filing the appeal. No order as to costs.

CERTIFIED TO BE TRUE COPY

*Parveen*  
Date..... 24/3/95  
Court Officer  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad

sd

Copy to:-

1. Secretary, Department of Mines, Ministry of Steel & Mines, Union of India, Central Secretariat, New Delhi.
2. The Director General, Geological Survey of India, Calcutta.
3. Senior Dy. Director General, Geological Survey of India, Southern Region, G.S.I. Complex, Bandlaguda, Hyd.
4. One copy to Sri. V. Venkateswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rs m/-

\* \* \*

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

R.A./M.R./C.R. NO.

OF 199

ORIGINAL APPLICATION NO.

123/95

TRANSFER APPLICATION NO.

OLD PETN. NO.

Certified

CERTIFICATE

Certified that no further action is required to be taken  
and the case is fit for consignment to the Record Room (Decided)

Dated: 23/3/95

Counter Signed.

Court Officer/Section Officer. Signature of the Dealing Asst.  
YLR

\* \* \*

28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD.

O.A.NO.123 of 1992.

Between

Dated : 21.2.1995.

C.Sundaresan

...

Applicant

Vs.

1. The Union of India, reptyd by the Secretary, Department of Mines, Ministry of Steel & Mines, ~~Ministry~~ Central Secretariat, New Delhi.
2. The Director General, Geological Survey of India, Calcutta.
3. Senior. Dy. Director General, Geological Survey of India, Southern Region, G.S.I.Complex, Bandalaguda, Hyd.

...

Respondents

Counsel for the Applicant : Sri. V.Venkateswara Rao

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. A.V.Haridasan, Judicial Member

Contd:....2/-

99

.. 2 ..

O.A.No. 123/92

Date of Order: 21.2.95

X As per Hon'ble Shri A.V.Haridasan, Member (Judl.) X

This application has been filed by the applicant who was a Surveyor in Geological Survey of India impugning the order dt. 14.2.92 by which he was compulsorily retired from service by way of punishment. The respondents in their reply have inter-alia taken a contention that the application is not reasonable as the applicant has failed to exhaust the departmental remedy statutory provided. But the application has already been admitted. When the application came up for final hearing it is noted that the dispute in this case is not which can be finally adjudicated by a Single Member. But the counsel on either side submits that as the applicant has not preferred an appeal to the appellate authority against the impugned order if he files an appeal now the same would be considered and disposed of by the appellate authority and in view of the matter the application may be disposed of without entering into an adjudication with a proper direction to the applicant and to the respondents with regard to the filing of the appeal there of by the appropriate appellate authority.

2. In the light of the above submission of the learned counsel on either side the application is disposed of with the following directions:

The applicant may file an appeal against the impugned order dated 10.2.92 within a period of one month from the date of receipt of a copy of this order.

*An*

(30)

.. 3 ..

If such an appeal is filed within the afore-stated period the second respondent shall as agreed to by the respondents counsel dispose of the appeal on merits by passing a reasoned order within a period of three months from the date of receipt of the appeal though filed beyond the period prescribed for filing the appeal. No order as to costs.



(A.V. HARIDASAN)  
Member (Judl.)

Dated : 21st February, 1995

(Dictated in Open Court)

*ANB/23-3-95*  
Dy. Registrar (Judl.)

sd

Copy to:-

1. Secretary, Department of Mines, Ministry of Steel & Mines, Union of India, Central Secretariat, New Delhi.
2. The Director General, Geological Survey of India, Calcutta.
3. Senior Dy. Director General, Geological Survey of India, Southern Region, G.S.I. Complex, Bandlaguda, Hyderabad.
4. One copy to Sri. V. Venkateswara Rao, advocate, CAT, Hyderabad.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

Rsm/-

In the CAT Nrd Branch  
Nrd.

Hon Mr. Av. Hanuman. Jm.

Judgement dt. 21.2.95

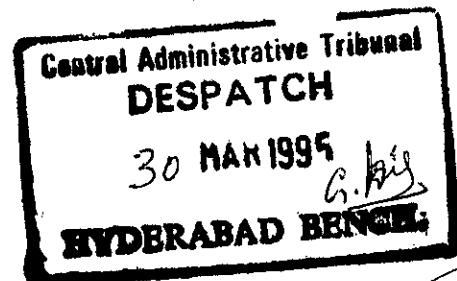
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OA. 123/92

OA. disposed of. 180  
order as to carts.

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List of Papers in Original Application No.

RA. 42/95 u of 123/99

Sl.No. Of Papers.	Date of Papers Or Date of Filing.	Description of Papers.
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Part I

5-9-95

Original Judgement

21-4-95

R.A. & Material Papers.

Counter

Reply Counter

PART I,

PART II,

PART III

Destroyed.

23/3/99

**CENTRAL ADMINISTRATIVE TRIBUNAL**

R.P.U2/95 ~ HYDERABAD BENCH

**RECORD SECTION INDEX SHEET**

O.A. No. 123 /199

a) Applicant (S) C. Sundaresan

Versus

b) Respondent (S) The secretary min of steel & mines New Delhi

Sl.No.	Description of Documents.	Page. No.
	<u>Part. I</u>	
	Order Sheet	1
	Review. Original Application	2 to 4
	Material Papers	4A to 13.
	Order dated	5-9-95
	Counter Affidavit.	14 & 15.
	Reply Affidavit	
	Order dated	
	<u>Part. II</u>	
	Duplicate Order Sheet.	
	" Application	
	" Material Papers	etc
	" Order dt.	
	" Counter Affidavit	
	" Reply Affidavit	
	" Order dt.	
	<u>Part-III</u>	
	Vakalat, <i>X</i>	
	Notice Papers <i>X</i>	
	Memo of Appearance <i>X</i>	

*BB  
6/10/95*

(42)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT

THE HON'BLE MR. JUSTICE V. NEELADRI RAO: VICE CHAIRM

AND

THE HON'BLE MR. A. V. HARIDASAN: MEMBER (JUDL) (Sing

AND

THE HON'BLE MR. A. B. GORTHI: MEMBER (ADMIN.)

AND

THE HON'BLE MR. R. RANGARAJAN: MEMBER (ADMIN.)

MA.W. 425/45 (C)  
in

REVIEW APPLICATION NO. 42 OF 1995

in

ORIGINAL APPLICATION NO. 123 OF 1992

The above Review Application has been filed against the Judgement of the Bench dated 21-2-95 of the Tribunal consisting of Hon'ble Mr. Justice V. Neeladri Rao, Vice Chairm and Hon'ble Mr. A. V. Haridasan, Member (J) and Hon'ble Mr. A. B. Gorthi, Member (A) and Hon'ble Mr. R. Rangarajan, Member (A) in Original Application No. 123 of 1992

Circulated as per Rule 17(3) of the Central Administrative Tribunal (Procedure) Rules, 1987.

Submitted.

29/4

APR 4/95  
JG

①

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

RA.NO. 42105 M.

O.A. NO.

123

of 1995

C. Sundaresh

Applicant(s)

versus

Secretary, min. of steel & mines, N. Delhi & 20th

Respondent(s)

Date	Office Note	Orders

## ANNEXURE - T

## FORM OF INDEX

List of papers in MP/CR/RA/NO.

42/95 in O.A. NO. 123 /1995

Serial No. of papers, on record part I part II part III	Date of paper or Date of filing	Description of papers	Remarks
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21/10/95 - Salilwar, 3.S. copy  
of affidavit

HYDERABAD DI

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL AT HYD.

R.P.No. of 1995

in

B.A.No. 123 of 1992

Between

The Date



REVIEW PETITION

*Received by Mr. R. Devraj  
R. N. R. Rao*

Miss Vemuri Venkateswar Rao  
and K. Phaniraju

Counsel for the Petitioner  
(Applicant)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD

R.P.No. 42 of 1995  
in  
D.A.No. 123 of 1992

Between:

C. Sundaresan  
S/o .....  
aged about years,  
Occ: Ex-Surveyor, Geological  
Survey of India  
Hyderabad-500068 R/o Trivandrum -- Petitioner (Applicant)

and

1. The Union of India represented by its Secretary, Ministry of Steel & Mines, New Delhi.
2. The Director General, Geological Survey of India, Calcutta.
3. The Sr.Dy. Director General, Geological Survey of India, Southern Region, Hyderabad-500068 -- Respondents (Respondents)

REVIEW PETITION UNDER SEC. 22 (f) OF  
ADMINISTRATIVE TRIBUNALS ACT 1985  
R/w Sec. 17 of ADMINISTRATIVE  
TRIBUNALS RULES PROCEDURE RULES  
1987

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Tribunal may be pleased to review its order dated 21-2-1995 in D.A. 123 of 1992 and dispose of the D.A. on merits or pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Hyderabad,

Dated: 24-4-1995

10  
Counsel for the Petitioner  
(Applicant)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: AT HYDERABAD

R.P.No. 42 of 1995  
in

O.A.No. 123 of 1992

Between:

C. Sundaresan -- Petitioner (Applicant)

and

The Union of India represented  
by its Secretary to Govt.,  
Ministry of Steel & Mines and  
2 others

-- Respondents (Respondents)

AFFIDAVIT

I, C. Sundaresan S/o Chatterjee aged  
about years, Occ: Ex-Surveyor, Geological Survey of India,  
Hyderabad, R/o Trivandrum, having temporarily come down  
to Hyderabad do hereby solemnly affirm and state as follows:-

1. I am the Petitioner/Applicant herein and as such I am well acquainted with the facts of the case.
2. I filed the above O.A. challenging the order dated 10-2-1992 vide which I was compulsorily retired by way of punishment by the Respondent No.3. The O.A. was disposed of on 21-2-1995 giving opportunity to me to make an appeal within a period of one month since I did not avail the alternate remedy available to me at the time of filing of the O.A.
3. In this connection I respectfully submit that after filing of the O.A. I preferred an appeal to the 2nd Respondent on 13-3-1992 and the same was rejected and the punishment was confirmed by the appellate authority vide his orders dated 13-5-1994. I could not bring it to the notice of my counsel about filing of the appeal and the orders of the appellate authority since I left Hyderabad after filing of the O.A. in this Hon'ble Tribunal.

Consequently my counsel could not present the copies of the appellate authority before this Hon'ble Tribunal. As such the O.A. was disposed of for availing alternate remedy. My failure to bring to the notice of my counsel about the passing of the order of the appellate authority is an error apparent on the record due to the reasons stated above. As such an arrear on my part is neither wilful nor deliberate.

4. Hence this Hon'ble Tribunal may be pleased to permit me to file a copy of my appeal dated 13-3-1992 and the order dated 13-5-1994 of the appellate authority and pass any other order or orders as this Hon'ble Tribunal deem fit.

It is therefore prayed that this Hon'ble Tribunal may be pleased to review its order dated 21-2-1995 in O.A. 123 of 1992 and dispose of the O.A. on merits and pass any other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Solemnly affirmed and signed  
before me on this 24th day of  
April, 1995.

Advocate:Hyderabad

X

Dandaram C

Deponent

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :  
AT HYDERABAD

D.A.No:123 OF 1992.

Between:

Dated: 21.2.1995

C. Sundaresan

... Applicant

And

1. The Union of India, retd. by the Secretary, Department of Mines, Ministry of Steel & Mines, Central Secretariat, New Delhi.
2. The Director General, Geological Survey of India, Calcutta.
3. Senior, Dy. Director General, Geological Survey of India, Southern Region, G.S.I.Complex, Bandalaguda. Hyd.

... Respondents

Counsel for the Applicant : Sri V. Venkateswara Rao

Counsel for the Respondents : Sri N. R. Deveraj Sr. CGSC.

ORDER:

Hon'ble Mr. A.V.Haridasan, Judicial Member

D.A.No:123/92

Date of Order:21.2.'95.

As per Hon'ble Sri A.V.Haridasan, Member (Judl.)

-----

This application has been filed by the applicant who was a Surveyor in Geological Survey of India impugning the order dt.14.2.'92 by which he was compulsorily retired from service by way of punishment. The respondents in their reply have inter-alia taken a contention that the application is not reasonable as the applicant has failed to exhaust the departmental remedy statutory provided. But the application has already been admitted. When the application came up for final hearing it is noted that the dispute in this case is not which can be finally adjudicated by a Single Member. But the Counsel on either side submits that as the applicant has not preferred an appeal to the appellate authority against the impugned order if he files an appeal now the same would be considered and disposed of by the appellate authority and in view of the matter the application

may be disposed of without entering into an adjudication with a proper direction to the applicant and to the respondents with regard to the filing of the appeal there of by the appropriate appellate authority.

2. In the light of the above submission of the learned Counsel on either side the application is disposed of with the following directions:

The applicant may file an appeal against the impugned order dated 10.2.92 within a period of one month from the date of receipt of a copy of this order. In such an appeal is filed within the afore-stated period the second respondent shall as agreed to by the respondents counsel dispose of the appeal on merits by passing a reasoned order within a period of three months from the date of receipt of the appeal though filed beyond the period prescribed for filing the appeal. No order as to costs.

CERTIFIED TRUE COPY  
Sd/-XX XX XX XX X  
Date 24.03.95  
Court Officer  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad.

// True copy //

(6)

GOVERNMENT OF INDIA

No.C-13013/2/CS/SR/90-Vig

Geological Survey of India  
27, Jawaharlal Nehru Road,  
Calcutta-16,

Dt.13-05-1994.

OFFICE ORDER

Whereas Shri C. Sunderasan Ex-Surveyor, GSI, SL. Hyderabad was charge-sheeted under Rule 14 of CCS (CO & A) Rules, 1985 for alleged behaviour and is conduct with Smt.K. Rama Devi wife of Sri K. Chandramouli, Asst.Geophy. and for sending the watchman out of the Camp without having any authority and thereby violating the provisions of Rule 5 of CCS (Conduct) Rules, 1964.

And Whereas departmental enquiry was ordered by the disciplinary Authority and the Inquiry was conducted in accordance with procedure laid down in CCS (CO & A) Rules, 1965.

Andwhereas on the basis of the findings of the inquiry Report, the Disciplinary Authority awarded the major penalty of "Compulsory Retirement".

And whereas Shri Sunderasan, Ex-Surveyor has submitted an appeal dated 13.3.'92 to the undersigned wherein he has mentioned the following points :

- (i) Smt. K. Rama Devi, wife of Shri K. Chandramouli. Asstt. Geophysicist was an outsider and a non-official person, whose complaint should not have been the basis of disciplinary action.
- (ii) As an outsider Smt. K. Rama Devi should have complained to the Law and order machinery of the state and lodged FIR in the Police Station.
- (iii) The Inquiry Officer was prejudiced against him.
- (iv) Original documentsrelating to the case had been wilfully misplaced.
- (v) The Inquiry Officer relied more on extraneous events than the evidences which has vitiated the proceedings.
- (vi) Shri Sunderasan has urged the undersigned for setting aside the order of compulsory retirement imposed by the Disciplinary authority.

And whereas, the undersigned in exercise of the powers of Appellate authority under CCS (CC & A) Rule, 1965 has considered the appeal with reference to the entire disciplinary case, prescribed rules and procedures and the documents on records and concludes the following:

- (i) Shri Sunderasan has committed grave misconduct unbecoming of a Govt. servant towards K. Rama Devi, wife of Sri K. Chandramouli, Asstt.Geophy, during office hours in the Office premises. As a Govt. servant Shri Sunderasan is expected to behave in a manner befitting of a Govt. servant not only with relation to his colleagues in the office but with the public also.

:: 4 ::

(ii) Smt.K. Rama Devi, wife of K. Chandramauli, who is an officer of the GSI had every right to complain to the Administrative Authority for the misconduct committed to her by Sri Sunderason who was/collegue of her husband and it was her prerogative to decide whether to lodge an FIR with Police or not.

(iii) The Presenting Officer produced relevant seven documents in original and xerox copy of the document only which was accepted by the Inquiry Officer as an evidence only with the concurrence of Shri Sunderason and his Defence Assistant.

(iv) The Inquiry proceedings under CCS (CC & A) Rules are quasi-judicial proceedings and the inquiry officer has come to his conclusion after taking into consideration the preponderances of probability.

(v) There is no evidence of bias on the part of the Inquiry Officer who has conducted the Inquiry Strictly in accordance with the laid down rules.

Now, therefore, I hereby confirm the penalty of Compulsory Retirement awarded by the disciplinary Authority.

Please acknowledge the receipt of the order.

Sd/- xx xx xx  
(D B DIMRI)  
Director General (Actg.)  
Geological Survey of India.

To

Sri C. Sunderason,  
Ex-Surveyor,  
Southern Region,  
Geological Survey of India,  
Hyderabad.

No.C 486-13013/2/CS/SR/90-Vig

date 13th May, 1994.

Copy forwarded to Dy. Director General, S.R., G S I., Hyderabad for favour of information and necessary action and endorsement of copies to appropriate authorities. This has reference to their letter N .988/C-14013/8/89-Vig. dt.21.7.93.

Sd/- xx xx xx  
(P N MAULIK)  
Officer on Spl.Duty (Vig.)  
Geological Survey of India.

// true copy //

(B)

To

The Director General,  
Geological Survey of India,  
27, Jawaharlal Nehru Road,  
CALCUTTA - 700 016.

Sub: APPEAL against order of Compulsory  
Retirement under Rule 23 (ii) of CCS  
(CCA) Rules, 1965 -

Ref: Order No.195/C.14013/7/89-Vig.dated  
10-2-1992 relating to compulsory re-  
tirement under Rule 11 (viii) of CCS  
(CCA) Rules, 1965 issued by the  
Sr. Dy. Director General, Geological  
Survey of India, Southern Regional  
Office, Hyderabad - A.P. -

\* \* \*

S. I. R.,

The Applicant prefers this appeal before your benignself  
in terms of Rules 23 (ii) of CCE (CCA) Rules, 1965 against the  
order of compulsory retirement passed by the Senior Deputy  
Director General, Geological Survey of India, Southern Region  
Hyderabad, under Rule 11 (Viii) of CCS (CCA) Rules, 1965 - vide-  
Order referred to above (copy enclosed) as disciplinary authority  
of Southern Regional Office, Hyderabad:

1. That the applicant has got adequate ground to feel  
aggrieved of the punishment inflicted upon the Appellant by  
the Disciplinary Authority on the basis of the report submitted  
by the Inquiry Officer though it has been established beyond  
doubt that the imputation of charges has neither been proved  
with documentary evidence nor it could produce prosecution  
witnesses but the observation recorded by the Inquiry Officer  
in his report exhibited the facts of gross incensistencies  
apart from the fact that it was a peremptory judgement out  
of prejudiced outlook.

2. That, it is, therefore, necessary to consider appeal  
of the appellant on the basis of three major guidelines  
enumerated below :

(i) Whether the procedure laid down in the rules has been  
complied with and if not whether such non-compliance  
has resulted in violation of any provision of the  
constitution or in the failure of justice :

(3)

(ii) Whether findings of the disciplinary authority are warranted by the evidence on the record of the case; and  
(iii) Whether the penalty or the enhanced penalty is adequate, inadequate or severe.

3. That the applicant further humbly submits that the order relating to inflicting severe punishment is not maintainable for various other factors connected with the case and are explicitly enumerated below for sympathetic consideration of the Appellate Authority.

4. That the Appellant had submitted suo-moto statement in response to the Letter No.30/C.14013/7/89-Vig. dated 1-1-1992 to the disciplinary authority and urged for impartial view so that natural justice is not denied in any extraneous consideration.

5. That according to the context of the charge-sheet served on the appellant under Rules 14 of CCS (CCA), 1965 the crime alleged to has been committed by the Applicant on 8-4-1989 against one SMT. K. RAMA DEVI who was an outsider and non-official and it remains to be a matter of doubt and suspicion as to what has prevented the complainant to explore law and order machinery of the State against the alleged crime of the Appellant. This material factor remained unresolved during the enquiry proceedings and facts remain that Inquiry Officer has hastily arrived at a conclusion to establish the imputation of charges against the accused-appellant without any valid ground. It is also inseparable question that the complaint to Geological Survey of India authorities after a lapse of nine days from the date of alleged incident. Whereas in case of criminal involvement of Central Government Employee with an outsider it would have been a matter of logical consequence to lodge F.I.R. at the nearest Police Station against such criminal offence.

6. That the appellant rightfully contends that unless this cardinal point of the case is not resolved with documentary evidence there is hardly any scope for the disciplinary authority

to summarise the enquiry to establish the bonafide of the complaint and consequently the decision of the disciplinary authority cannot be fair and just. Deposition of prosecution witness before the Inquiry Committee was not adequate to establish the correctness of the complaint and the Inquiry Officer has taken undue liabilities to establish the validity of the deposition for violating the regulatory norms of the proceedings. The Inquiry Officer while recording his observations stated on page (9) Para 5.1 Page (9) para 5.1. of the Inquiry Report that the person who has option to select any kind of modalities to exhaust against criminal offence, it can be done independently without going to the question of propriety of preferring official proceedings by an outsider instead of seeking redressal through the law and Order Machinery of the State.

7. That it is further pertinent to place it is record for kind consideration of the Appellate Authority that the complainant is an outsider and involvement of an outsider in Criminal case with a Central Employee it is the only course left for an outsider to seek remedy against alleged criminal offence of the Appellant of the Law and Order Machinery of the State Government.

8. That the Disciplinary Authority on receipt of complaint against the Central Employee from an outsider cannot arbitrarily decide to initiate disciplinary proceedings under Rule 14 of CCS (CCA) Rules of 1965 unless there is a prima facie merit of the case. The complainant has not gone to the nearest Police Station for lodging F.I.R. instead of preferred to lodge written complaint to the Authority after the lapse of nine days from the date of incident out of instigation of some vested interest. It can therefore fairly adjudged that there was no prima facie evidence before the Disciplinary Authority for favour of initiating disciplinary proceedings against the appellant though the entire disciplinary proceedings carried on by the Inquiry Officer out of prejudicial outlook and apparently it was manifestation of the

determination to inflict punishment on the applicant on some pretext or the other.

9. That it is further necessary to place it on record in this appeal that all the original documents relating to this case has been wilfully and purposely misplaced by the Custodian and this factor along gives an evidence of fact as to how the entire matter has been concocted with meticulous planning out of malefide intention, vendetta and personal animosity. That the connected issue can further be overviewed from the Judgement delivered by the Central Administrative Tribunal, Madras Bench, in identical adjudication between - C. Kaniappan Vs. Director, Jawaharlal Institute of Postgraduates Medical Education of Research, 1990 (1) SLJ (CAT) 385 (Madras). The opinion of the Tribunal is reproduced below :

"...Where the imputation is with respect to conduct, totally unconnected with the discharge of the official duties but it relates purely to criminal offence against the private citizen, just because the matter is brought to the attention of the disciplinary authority, it is not justified in a straightway initiation disciplinary proceeding, without even ascertaining whether the criminal law is set in motion by the affected citizen..."

10. The above judgement of the CAT, Madras Bench, upheld the validity of the contention of the petition that the disciplinary authority cannot and could not abruptly decide the initiation of disciplinary proceedings against the complaint of a private citizen who instead of exhausting the Law and Order Machinery of the State against alleged criminal offence of the appellant preferred to utilize the CCS (CCA) Rules, 1965 obviously out of extraneous influence which is bad and improper for maligning an innocent Government Official. Apart from the fact that the punishment inflicted by the disciplinary Authority is not maintainable and does not hold good in terms of the provision of the rules in consideration of the salient factor that the complainant was an outsider and did not exhaust normal channel for remedy.

(R)

11. That the appellant has adequate reasons to believe that the disciplinary authority out of prejudicial outlook could not apply his mind to the main context of the report of the Inquiry Officer who has ~~do~~ almost all points of his analyses and conclusion relied more on extraneous event them the evidences which had its inherent legacy to substantiate the charges. Moreover, it is also important feature to note that the enquiry officer did not wilfully mention in his report that the Presenting Officer has lost all original documents relating to this case which is unintelligible and masks malafide intention of the officers for inflicting punishment to the appellant.

The applicant on the strength of the sums and substances of the case described in this Appeal urges upon the Appellate Authority for favour of setting aside the order of the compulsory retirement invoked by the disciplinary authority vide Order dated 10-2-1992 for favour of restoration of justice and equity which have been denied, overlooked and enforced out of prejudicial consideration. The order of compulsory retirement of the disciplinary authority is not maintainable in terms of various grounds mentioned in the appeal and it is established beyond doubt that entire exercise has been carried on by the Administration on some extraneous consideration though this is one of the important factors deserves to be taken note of in this case that the husband of the complainant who was an employee of GSI left permanently and does not have interest or link whatsoever with Geological Survey of India for which Geological Survey of India cannot take care of the interest of the complainant in any consideration whatsoever under the provisions of Rule 14 of C.C.S. (C.C.A) Rules, 1965. Appellant prays for favour of admission of this appeal in the interest of restoration of justice.

Date: 13th March, 1992  
Hyderabad-A.P.

Yours faithfully,  
Sd/-xx xx xx  
(C SUNDERASAN) Surveyor.  
GSI, Planning & Co-ordination Divn. SR Off  
"GSI Complex", Bandalaguda, Hyderabad-660.

Reg' - Review application

DISTRICT : HYDERABAD

CENTRAL ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD

R.P.No: OF 1995

in

O.A.No: 123 OF 1992



Material Papers

Sl. No:	Description	Page Nos:
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2.	OFFICE ORDER No:C- 13013/2/CS/SR/90-Vig dt.13-05-'94	3-4
3.	Representation submitted by the applicant to the 2nd respondent.	5-9

// True copy //

Filed On: 21-04-1995

*Received  
B.W.D.  
4/95  
S. N. R. Daryan  
or*

Filed By: V VENKATESWARA RAO  
K PHANI RAJU  
K MURALI KRISHNA  
COUNSEL FOR THE PETITIONER

*May be filed  
on  
25/4/95*

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

R.A/M.A/C.A. NO.

425195 + 42195

ORIGINAL APPLICATION NO.

123 OF 1992

TRANSFER APPLICATION NO.

Certified

OLD PETN. NO.

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided).

Dated: 8/9/45

Counter Signed.

Court Officer/Section Officer.

Signature of the Dealing Asst.

YLKR

\* \* \*

Copy to:-

1. The Secretary, Ministry of Steel & Mines, Union of India, New Delhi.
2. The Director General, Geological Survey of India, Calcutta.
3. The Sr. By Director General, Geological Survey of India, Southern Region, Hyderabad.
4. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

M.A. No. 425/95 in  
in  
R.A. No. 42/95  
in  
OA 123/92

Hyderabad this day the 5<sup>th</sup> September, 1995

Hon'ble Mr. A.V. Haridasan, Vice Chairman (J)

Shri C. Sundaresan

Petitioner

vs.

The Union of India represented  
by its Secretary to Govt.  
Ministry of Steel, & Mines and  
2 others.

Respondents

O R D E R

M.A. No. 425/1995 is only for permission to file a copy of his appeal dated 13.3.1992 and the order dated 13.5.1994 of the appellate authority. The O.A. was filed by the applicant impugning/dated an order 14.2.1992 by which he was compulsorily retired from service. This application was disposed of by Order dated 21.2.1995 as a counsel on either side submitted that the same may be disposed of with a direction to the applicant to file an appeal against the Order of compulsorily retirement which would be considered by the appellate authority on merits. Now the review petitioner states that an appeal had already been filed by him which was rejected by the appellate authority vide his order dated 11.5.1994 and that this fact was not brought before the notice of the Bench by inadvertence. This is not a valid ground for a review of the Order. Therefore, the Review Application is rejected. It will be open for the applicant to file an Original Application impugning the appellate authority dated 13.5.1994 if necessary seeking condonation of delay in case the O.A. could not be filed within the period prescribed.

*Ambr*  
11/95  
Dra.

*Ambr*  
(A.V. Haridasan)  
Vice Chairman (J)

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. ~~A. E. GORTHI~~, ADMINISTRA-  
TIVE MEMBER.

HON'BLE MR. *A. V. Hanidaram*.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: *5/9/1995*. 1995.

*M.A.T.B.A.L.C.A. NO. 42519/1995 + 42619/1995*

IN  
O.A.NO. *123192*

T.A.NO. (W.P.NO. )

ADMITTED AND INTERIM DIRECTIONS IF ANY.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

~~DISMISSED.~~

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED:

NO ORDER AS TO COSTS.

Rsm/-

*No Spare Copy*

