

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 202/92.

Dt. of Decision : 1-12-95.

A.B. Afzalpurkar

.. Applicant.

Vs

1. The Director General,
Geological Survey of India,
27 J.N. Road, Calcutta-700 013.

2. The Sr.Dy. Director General,
Geological Survey of India,
Southern Region, Babdlaguda,
Mansoorabad Post,
Hyderabad-500 066.

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3. The Director (Geophysical)-in-charge,
Geological Survey of India,
Bandlaguda, Mansoorabad Post,
Hyderabad-500 066

.. Respondents.

Counsel for the Applicant : Mr. V. Venkateswara Rao

Counsel for the Respondents : Mr. N.V.Ramana, Addl.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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O.A.NO.202/92.JUDGMENT

Dt: 1.12.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri V.Venkateswara Rao, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. Charge memo dated 9.5.89 with seven charges was issued to the applicant who was working as Senior Technical Assistant (STA). The inquiry was proceeded ex-parte. The Inquiry Officer held that all the charges other than the charge No.5 are proved. The disciplinary authority agreed with the said findings and passed the order dated 12.2.92 by imposing penalty of compulsory retirement. The same is assailed in this OA.

3. The main contentions for the applicant are as under:-

(i) The Inquiry Officer should have adjourned the inquiry when the applicant submitted the medical certificates to the effect that he was undergoing treatment for Schizophrenia and hence the inquiry is vitiated;

(ii) When Shri D.Sadanand was cited as witness, Shri Dayanand was examined and hence there is infirmity in the inquiry; and

(iii) The additional Exhibit (1) was permitted to be marked by the Inquiry Officer without giving notice to the applicant and on that ground also this inquiry is vitiated.

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4. In Page-12 of the Inquiry Report (Pages 23 and 24 of the material papers, it is stated by the Inquiry Officer that the letters addressed by the applicant with a request to have adjournment, "have been written with a clear frame of mind, and his not attending to the enquiry is intentional to avoid facing the facts". Lower down, he referred to the dictionary meaning of the disease "Schizophrenia" and thereafter he held that the various acts alleged against the applicant and which were proved in the ex parte inquiry are due to the above mental condition of the applicant. Thus the Inquiry Officer felt that in view of the above disease, the applicant now and then behaves or reacts in an unusual manner but he is in a position to write the letters clearly as can be seen from the letters requesting for adjournment and hence the treatment for the said disease was a mere ruse for avoiding the inquiry.

5. In view of the above observations of the Inquiry Officer which were accepted by the Disciplinary Authority, we suggested to the learned counsel for the applicant whether the applicant can be asked to be present so as to find out whether in fact the applicant behaves in an unusual manner throughout and he is not in a position to comprehend and understand, or whether that unusual behaviour was at some-times only. The learned counsel for the applicant submitted that he had written the letter to the applicant, and the brother of the applicant who is a Doctor, contacted him (the learned ~~xxxxxxxxxx~~ counsel for the applicant) once and ~~xxxxxx~~ later on none

of them responded. So there is no material to hold that the Inquiry Officer was perverse in concluding that the alleged disease was referred to as a cause to avoid the inquiry.

6. The Inquiry Officer observed that there was no employee by name Sadanand in R-2 organisation and hence it was held that Sadanand referred to as witness in the Articles of charge is a mistake for Dayanand and hence Dayanand was examined. In fact even in the reply statement filed by the applicant, only Dayanand was referred to. Thus when it is a case of obvious typographical mistake in the name ^{referring to} Dayanand as Sadananad, it cannot be held that the Inquiry is vitiated when Dayanand was examined.

7. The Additional Exhibit-I was only with regard to the charge No.5. Ultimately the said charge was not held as proved. The said document was not referred to for consideration of the other charges. Thus even assuming that there is an infirmity in permitting the Presenting Officer to mark additional Exhibit-I, there is no vitiation in regard to the charges other than the charge No.5 as the said document was not referred to in regard to the same.

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8. Thus we do not find any acceptable grounds to warrant interference with the impugned order of punishment.

9. Accordingly, the OA is dismissed. No costs.//

Janardan

(A.B.GORTHI)
MEMBER (ADMN.)

Janardan
(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 1st December, 1995.
Open court dictation.

Hyd
Deputy Registrar(J)CC

To vsn

1. The Director General, Geological Survey of India, 27 J.N.Road, Calcutta-13.
2. The Sr. Deputy Director General, Geological Survey of India, Southern Region, Bandlaguda, Mansoorabad Post, Hyderabad-66.
3. The Director (Geophysical)-in-charge, Geological Survey of India, Bandlaguda, Mansoorabad Post, Hyderabad-66.
4. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO,
VICE CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN :M(A)

DATED: 1-12-1995

ORDER/JUDGMENT

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

in

O.A.No.

202/92

T.A.No.

(W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

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