

(69)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A. 1195/93.

Dt. of Decision : 10-12-96.

A.Vema Reddy

.. Applicant.

Vs

1. The Controller of Defence Accounts  
506, Anna Salai, Teynampet,  
Madras-18.
2. The Controller General of Defence  
Accounts, West Block-5,  
R.K.Puram, New Delhi-110 066.
3. The Financial Adviser,  
Defence Services,  
Min.of Defence,  
New Delhi-

.. Respondents.

Counsel for the applicant : Mr. V.Krishna Rao

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

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

*R*

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr. V. Krishna Rao, learned counsel for the applicant and Mr. N. V. Raghava Reddy, learned counsel for the respondents.

2. Between 8-2-86 to 16-10-89 the applicant was working as Assistant Accounts Officer (R.No.1024) in the office of the DCDA, ~~BBPO~~ Hyderabad. During the said period he committed certain acts ~~of~~ <sup>of</sup> dereliction/duty and misconduct for which a charge memo was served to him vide memorandum No. AN/II/3066/AVR dated 3-12-91. On 31-1-92, the applicant submitted his representation to the charge memo. A minor penalty was imposed under Rule 16 CCS (CCA) Rules, 1965. He has submitted his explanation dated 31-1-92. On that basis, he was punished by the disciplinary authority vide order/dated 16-04-92. The punishment imposed on the applicant reads as follows:-

"Now, therefore, the undersigned, taking a lenient view, imposes the penalty of WITHHOLDING OF INCREMENT OF PAY FOR A PERIOD OF SIX MONTHS WITHOUT CUMULATIVE EFFECT on the said Shri A. Vama Reddy, AA O (Roster No.1024 - Account Number 8296934) and order accordingly".

3. Against the said order of punishment, the applicant preferred an appeal. The ~~appellate authority~~ appeal was dismissed and the punishment was confirmed. Against the said order of the appellate authority, an appeal was preferred to the Financial Advisor, New Delhi dated 3-8-93. Now it is submitted by the learned standing counsel for the respondents that the review appeal was also rejected.

4. This OA is filed praying the Tribunal to set aside the punishment of stoppage of increments passed by the authorities as mentioned above.

5. The applicant in his OA submitted that he carried out oral instructions of the superiors, that he <sup>pressure</sup> had ~~2~~ of work during the relevant period and on that he could not verify the NBS vouchers.

6. In the counter affidavit it is submitted for the respondents that even though there was ~~any~~ <sup>pressure of</sup> work during the relevant period that was not for the applicant to give a go-bye or ignore the procedure to be followed as per the rules, that his ~~commission~~ <sup>Version</sup> that he carried out the oral instructions of his official superiors is not acceptable, that the applicant being a responsible supervisory level Officer could not <sup>have</sup> received such oral instructions without obtaining confirmation as far as possible in accordance with the decision No.21 below Rule 3 CCS (Conduct) Rules, 1964, that therefore, the version of the applicant that he carried out oral instructions of the higher officials is far from truth <sup>that</sup> by failing ~~to~~ to follow certain prescribed procedure, ~~by failing to follow~~ <sup>pension</sup> was ~~an~~ authorised to Syndicate Bank ~~of~~ <sup>extension</sup> counters in respect of some unauthorised persons resulting in opening of ~~bank~~ <sup>extension</sup> accounts and ~~bank~~ payments, that an employee of the S.B extension counter thereby fraudulently withdrew <sup>Rs.</sup> Rs.21,254/- from the accounts of eight deceased pensioners and from ~~another eight~~ <sup>another eight</sup> accounts of pensioners who ~~already~~ had accounts <sup>with</sup> in other Public Section <sup>or</sup> Banks, that the wrong authorisation of pension by the DPDO's Office in such cases <sup>was</sup> ~~was~~ <sup>due to</sup> not allowing, the applicant sufficient time to exercise the checks, that the applicant should have brought to the notice of ~~his~~ the official superiors in writing, if he had any practical difficulties in getting NBS ~~vouchers~~ <sup>vouchers</sup>. Thus the respondents <sup>justified</sup> the punishment imposed on the applicant and pray for dismissal of the OA.

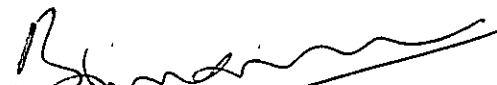
7. Heard Mr.V.Krishna Rao, learned counsel for the applicant and Mr.N.V.Raghava Reddy, learned counsel for the respondents.

8. From the materials placed on record, we are not able to come to the conclusion that the applicant had acted as per the oral instructions of the official superiors. As contended by the learned standing counsel for the respondents, a failure on

the part of the applicant to check and verify the NBS vouchers  
has resulted in <sup>fraudulent withdrawal</sup> ~~transmission~~ by the Bank employee, and  
the authorities while imposing the punishment <sup>on</sup> of the applicant  
have taken a lenient view, <sup>Hence</sup> we find no reasons to interfere with  
the punishment.

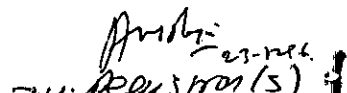
9. We are satisfied that the authorities before imposing  
the punishment on the applicant have considered the response of  
of the applicant on merits and have come to the correct  
conclusion.

10. Hence, there <sup>are</sup> ~~is~~ no merits in this OA and the OA is liable  
to be dismissed. Accordingly it is dismissed. No order as to  
costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)  
12.12.96

UV — 2  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 10th December 1996.  
(Dictated in the Open Court)

  
By Registrar(s)

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## Copy to:-

1. The Controller of Defence Accounts, 506, Annasalai, Teynampet, Madras.
2. The Controller General of Defence, Accounts, West Block-5, R.K.Puram, New Delhi.
3. The Financial Adviser, Defence Services, Min. of Defence, New Delhi.
4. One copy to Sri. V.Krishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Raghava Reddy, Addl. GSC, CAT, Hyd
6. One copy to Hon'ble Mr. B.S.Jai Parameshwar, JM, CAT, Hyd
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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2/1/97

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:  
M(J)

DATED:

~~11/95/93~~ 10/12/96

ORDER/JUDGEMENT

R.A./C.P./M.A. No.

O.A. NO.

in  
1195/93

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALL WED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

