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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :AT
HYDERABAD

O.A. No. 867 OF 1995.

Date of Order: 26-2-1998.

Between:

D.P.Janardhan.

..Applicant

and

1. Centrller, Centrllerate of Quality Assurances, (Systems), 156, Gough Lines, Trimulgherry P.O. Secunderabad-500 015.
2. Director General of Quality Assurance, Department of Defence Production, Govt. of India, Ministry of Defence(DGQA), Room No.234, South Block, DHQ P.O. New-Delhi-110 011.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.S.Rama Krishna Rao

COUNSEL FOR THE RESPONDENTS: Mr.V.Rajeshwara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER(ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER(JUDL)

: O R D E R :

(AS PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER(J))

Heard Mr.S.Rama Krishna Rao for the Applicant and Mr.V.Rajeshwara Rao for the Respondents.

2. On 27-4-1993 during lunch interval there was altercation and scuffle between the applicant/one B.S.Yadagiri Rao in the office premises. With respect to the said incident Sri B.S.Yadagi Rao had complained to the Tirumalgiri Police, Secunderabad. A cas

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in Crime No. 58/93 was registered against the applicant for an offence punishable Under Section 324 of I.P.C. After investigation a Charge Sheet was submitted before the XIth Metropolitan Magistrate, Secunderabad. When the matter was pending trial before the concerned Magistrate Court, ^{both} the applicant and Sri B.S. Yadagiri Rao entered into a compromise and as a result, the applicant was acquitted of the charge u/s 320(8) of the Code of Criminal Procedure.

3. Thereafter, with respect to the said incident, a Charge-memo on the applicant was served/on 13-7-1993. The applicant submitted his explanation on 21-7-1993. A detailed enquiry was conducted into the Charge. The Disciplinary Authority considered the findings recorded by the Inquiry Officer and considering the records of the enquiry felt it proper to impose a minor penalty ie., reduction of pay of the applicant by two stages from 1470 + 30/- to Rs.1410+30/- in the time scale of Rs.1200-30-1560-EB-40-2040 for a period of two years with effect from 1-1-1994. It was further directed that the applicant would not earn increments of pay during the period of reduction and on the expiry of the said period, the reduction ^{be} would not have effect disallowing the increments of pay.

4. Against the punishment, the applicant submitted a memorandum of appeal (Page.53, Annexure.15 to the OA) dt:3-2-1994 to the Appellate Authority. The Appellate Authority by his Proceedings dated:19-5-1994 (Annexure.16) had found certain discrepancies in the enquiry and directed the Disciplinary Authority to rectify the said defects. Thus the Appellate Authority had set aside the punishment imposed on the applicant.

5. Thereafter, the Disciplinary Authority furnished the copy of the report to the Enquiry Office and the applicant

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submitted his explanation thereto. On 13-12-1994 the Disciplinary Authority considering the explanation as well as the records, imposed the penalty of reduction of pay for two stages from Rs.1470 +Rs.30/- to Rs.1410 +Rs.30/- in the scale of pay of Rs.1200-30-1560-EB-40-2040 for a period of one year with effect from 1-1-1994. Against the said Order, the applicant preferred an appeal dated:20-1-1995. On 22-3-95 the Appellate Authority considering the records of the enquiry and also findings recorded by the Disciplinary Authority rejected the appeal.

6. The applicant has filed this OA challenging the Order dated: 13-12-1994 and the Order dated:22-3-1995 passed by the Disciplinary Authority and Appellate Authority.

7. The main ground advanced by the learned Counsel for the applicant is that two persons were involved in the enquiry and that, therefore, a joint enquiry was to be ordered with the sanction of the President. Further, he submitted that the Inquiry Officer has submitted a joint report thereby suggesting that a common enquiry was necessitated. The Disciplinary Authority is the proper person to consider whether a common enquiry against two or more persons is necessary or not. Merely because the Enquiry Officer felt it proper to send a common enquiry report, it cannot be said that a common inquiry should be conducted.

8. The applicant submits that as more than one employee is involved in this case, the proceedings have to be initiated under Rule 18 of CCS(CCA)Rules,1965 and the charge sheet under Rule 14 against the applicants is not regular. A study of the Rule 18 of CCS(CCA)Rules,1965 clearly reveals that it is not compulsory on the part of the Disciplinary Authority to initiate common disciplinary proceedings if more than one employee is involved and it is optional.

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If the Disciplinary Authority exercises that option and decides to issue a Charge Sheet, the same cannot be questioned unless it is proved that such an action of the Disciplinary Authority is mala-fide or intentional. The applicant has not brought out any proof to come to that conclusion. Hence the initiation of disciplinary proceedings against the applicant under Rule 14 of CCS(CCA)Rules cannot be held to be untenable.

9. The applicant submits that the Enquiry Officer submitted a common inquiry report and hence issue of the Charge Sheet is vitiated. There is no Rule or Law produced before us to show that the Enquiry Officer ^{cannot} may submit a combined report explaining the cases of each individual who have been charge sheeted. If the evidences to be ^{analysed} enquired into are one and the same, it is not necessary for the Enquiry Officer to call each one of them twice when more than one official is to be enquired into. The only point for consideration will be whether the enquiry is conducted, and whether an opportunity was given to the applicant who has been charge sheeted. The applicant has not brought out any point stating that a witness/ ^{who was} evidence was enquired into and his deposition is against him and that during the enquiry on that particular evidence, he was not given ^{opportunity to} cross examined. If such a ground is not there, violation of enquiry proceedings by submitting a common proceedings cannot be a ground for dismissal.

10. The next contention of the applicant is that the case was decided without any evidence. He submits that there is no evidence to prove that altercation. As mentioned in the Charge Sheet, the case was decided without any proper evidence in this connection. The applicant himself has given in his Compromise Deed executed before the XIth Metropolitan Magistrate at Secunderabad, that "In this connection we state that, we had an altercation between us".

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on a trivial issue in the office premises in the afternoon period on Tuesday ie., 22-4-1993 which led to a scuffle and in the process, we got injured." In the same Compromise Deed, the applicant has further stated that as follows:

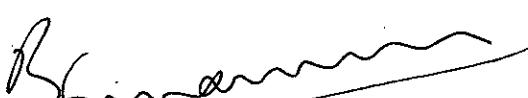
"To maintain our domestic and individual lives to be lead in a peaceful manner and in harmony we agree to compromise between us without any PRE or POST CONDITIONS. We, therefore, execute this 'COMPROMISE DEED' UNCONDITIONALLY."

11. From the above admission of the applicant in the compromise deed, we do not see any further evidence required to prove that ~~in this case was twisted~~ guilt. Probably the evidence submitted ~~were twice to given evidences~~ so as to escape from the punishment. The Hon'ble Supreme Court clearly observed that if Charge Sheeted employee accepts his guilt, ~~a detailed~~ then there is no need for ~~enquiry~~ ^{go}. If that ~~sheet~~ is ~~there~~, the applicant cannot now submit that the case is decided without any evidence.

12. We fully disagree with this contention of the applicant in this connection and reject this contention totally.

13. No other contentions were made by the learned Counsel for the Applicant inspite of the repeated adjournements.

14. In view of the above, we do not find any merit in allowing this O.A. Hence this OA is dismissed. No costs.



(B.S.JAI PARAMESHWAR)

MEMBER (J)

26.2.98



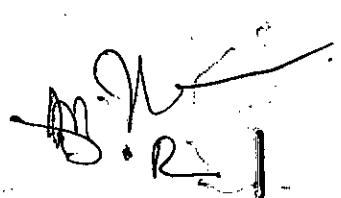
(R.RANGA RAJAN)

MEMBER (A)

Dated: 26th February, 1998

Dictated in Open Court

BSN



Copy to:

1. Controller, Controllerate of Quality Assurances, (Systems), 156, Gough Lines, Tirumulgherry, Secunderabad.
2. Director General of Quality Assurance, Dept. of Defence Production, Govt. of India, Min. of Defence, (DGQA), Room No.234, South Block, DHQ PO., New Delhi.
3. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
5. One copy to D.R.(A), CAT, Hyderabad.
6. One copy to HBSJP, CAT, Hyderabad.
7. One duplicate copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 26/2/98

ORDER/JUDGMENT

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

in
O.A. NO. 867/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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