

74

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.420/99.

Dt. of Decision : 06-01-2000.

Dr.M.Chandrasekhar

.. Applicant.

vs

1. The Chairman of Standing Committee,
Employees State Insurance Corporation
-cum-Secretary, Union Ministry of
Labour, Shram Shakti Bhavan,
Rafimarg, New Delhi.

2. The Director General,
Employees State Insurance Corporation,
Panchdeep Bhavan, Kotla Rao,
New Delhi.

.. Respondents.

Counsel for the applicant : Mr.P.Kishore Rao

Counsel for the respondents : Mr.N.R.Devaraj,SC for ESIC.

CORAM:-

THE HON'BLE SHRI JUSTICE D. H. NASIR : VICE CHAIRMAN

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

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.P.Naveen Rao for Mr.P.Kishore Rao, learned
counsel for the applicant and Mr.N.R.Devaraj, learned counsel
for the respondents.

2. The applicant was issued with the charge sheet for
the following misconducts-

"(1) On 26 occasions during the period from
March, 1993 to March, 1995, he had
fraudulently claimed to have travelled
between Secunderabad and Mahaboob Nagar
in Andhra Pradesh in First Class/A.C.Chair
Car/By Bus thereby claimed an excess amount
of Rs.1995/-, and



..2/-

(2) Though his tours to Nizamabad on 18-1-95 and 15-3-95 were performed by second class in train, he fraudulently claimed fare of first class, thus claiming an excess amount of Rs.468/-.

By his above mentioned acts, the said Dr.Chandrasekhar failed to maintain integrity and devotion to duty and also exhibited a conduct unbecoming of an employee of the Corporation thereby violating Rule 3 (1) of the C.C.S.(Conduct) Rules, 1964 which are applicable to the employees of the ~~Qapx~~ Corporation by virtue of Regulation 23 of the ESIC (Staff and Condition of Service) Regulations, 1959."

3. The applicant was given all opportunities ~~to sustain~~ and ~~was decided~~ ~~his case~~ by holding an enquiry. The applicant was punished by the impugned order No.C.14/11/59/95-Vig. dated 20-10-98 (Annexure-II to the OA) imposing the penalty of removal from service. Against that the applicant filed an appeal which was disposed of by an order No.C-16/14/199/98-Vig. dated 12th February, 1999 (Annexure-VI) confirming the punishment.

4. This OA is filed to set aside the order No.C-14/11/59/95-Vig. dated 20-10-98 of R-2 as confirmed by order No.C-16/14/199/98-Vig. dated 12-02-99 of R-1 and for reinstatement into service.

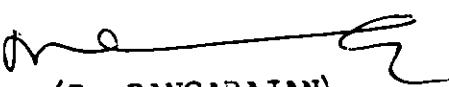
5. The applicant submits that the applicant committed the misconduct in the year 1992 to 1995 ~~and~~ due to bonafide reasons. He had repaid the amount in 1995. This charge sheet was issued in the year 1997. Hence he submits that when he had repaid the ~~same~~ minor amount and also ~~repented~~ ^{repented} ~~for the same~~ for the ~~same~~ the issue of the charge sheet itself is not necessary.

6. The applicant also submits that the gravity of the charge does not require punishment of removal from service.

It is not commensurate with the charges levelled against him. Hence the punishment is out of proportion and ~~has~~ has to be reduced.

8. The learned counsel for the respondents submits that the applicant has committed serious misconduct by claiming charges for AC First Class sitting even though he had travelled ^{in the} lower class. Further Even when the AC First Class is not available in a Train he claimed ~~fare~~ ^{even} for the higher class. The applicant has committed a very serious mistake and such a mistake cannot be condoned just because he returned back the amount ~~and~~ ^{evenly} the amount is also a minor amount. The gravity of the misconduct requires the removal of the applicant in view of the fact that he is a senior Doctor knowing the rules and regulations. The applicant cannot escape the punishment as he has claimed excess fare when he had not actually travelled by the higher class. He himself has returned back the excess amount claimed by him. That itself shows that he has admitted his misconduct. Hence it is not a fit case for ~~interfering~~ ^{intervening by him}. However the applicant submits that the punishment is disproportionate to the gravity of charges. For this the applicant has to submit a detailed representation to the appropriate authority for reinstating him back in service atleast as a fresh entrant. If such a representation is received by that authority the same may be considered by him in accordance with law ~~showing~~ showing some sympathy.

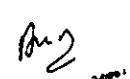
8. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(D. H. NASIR)
VICE CHAIRMAN

Dated : The 06th January, 2000.
(Dictated in the Open Court)

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2-1-2000