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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.464/96

Date of order: 27/7/2000

Komal Singh, S/o Shri Jagannath Singh, employeē as Cleaner, Power Plant, MAX-1, Kcta, Deptt. of Telecommunication, Kcta.

...Applicant.

vs.

1. Union of India through Secretary, Govt. of India, Mini. of Communication, Deptt. of Teleccm, Sanchar Bhawan, New Delhi.
2. Chief General Manager Teleccm, Rajasthan Circle, Jaipur.
3. Teleccm Distt.Engineer, Kcta, Distt.Kcta.
4. Asstt.Engineer Phones, MAX Building, Kcta.

...Respondents.

Mr.Shiv Kumar - Counsel for applicant.

Mr.V.S.Gurjar - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the orders dated 4.2.93 (Annx.A1), 10.8.93 (Annx.A2) and order dated 27.1.94 (Annx.A3) with all consequential benefits.

2. In brief facts of the case as stated by the applicant are that while he working on the post of Cleaner, a charge sheet dated 4.2.93 was served upon him alleging that he has tried to defame/insult the National Flag and further he has taken part in unauthorised assembly. He made detailed representation dated 9.3.93 but the disciplinary authority abruptly rejected the representation and awarded punishment of stoppage of one increment for 3 years without future effect vide order dated 10.8.93. The applicant made a detailed appeal dated 2.9.93 to the appellate authority who rejected the appeal vide order dated 27.1.94. It is stated that the applicant was sick on 26.1.93 and he had not attended the office on that day and charge sheet was issued to the applicant for extraneous reasons as the applicant was the Secretary of the Union and he was falsely implicated. Therefore, the applicant filed the O.A for the relief as mentioned above.

3. Reply was filed. In the reply, it is stated that the applicant has challenged the order of punishment which was awarded after following the rules and regulations, therefore, the order of punishment as well as order on the appeal passed by the appellate authority is perfectly legal and valid, thus the O.A deserves to be dismissed.

4. Heard the learned counsel for the parties and also perused the

whole record.

5. The applicant was served upon a charge sheet for minor penalty whereupon he filed a detailed representation alleging that he has been falsely implicated. The applicant did not violate any rules moreover he is a Union worker, therefore, he has been falsely implicated.

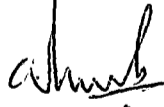
6. The disciplinary authority after perusal of the charge sheet issued to the applicant and after careful consideration of the reply/representation filed by the applicant, passed the impugned order of penalty, which is under challenge. The learned counsel for the applicant submits that the applicant was on leave on 26.1.93, therefore, the allegations of defaming the National Flag by the applicant and to take part in unauthorised assembly, etc, are not sustainable.

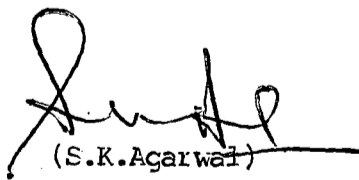
7. We are not inclined to accept the contention of the counsel for the applicant only on the ground that the applicant was on leave on 26.1.93. A government employee is expected to maintain the dignity of the post as well as office for all the days i.e on working days, holidays as also on leave.

8. The learned counsel for the applicant has also contended that the punishment imposed upon the applicant is more severe than the other 22 persons who were also alleged to have participated in the assembly. It is stated that the employees have participated in agitation on 26.1.93 against the Administration regarding overtime issue. It is also an admitted fact that other persons against whom the disciplinary proceedings initiated were punished but no order of punishment imposed upon them are produced before us to show that the applicant is similarly situated with other persons who have been awarded punishment of warning/censure. This fact has not been made very clear before us. Moreover the applicant is not entitled to any relief on this ground that other persons are awarded the punishment of Censure/Warning.

9. Since we do not find any violation of any statutory rules/procedure in this case and looking to the charges levelled against the applicant we also do not find ^{that} the punishment is disproportionate to the gravity of the charges. Therefore, we do not find any basis to interfere in the order of punishment imposed upon the applicant so also we do not find any basis to interfere in the impugned order passed by the appellate authority rejecting the appeal filed by the applicant.

10. We, therefore, find no merit in the O.A and the same is dismissed with no order as to costs.


(N.P. Newari)
Member (A).


(S.K. Agarwal)
Member (J).