

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 584/2002

DATE OF ORDER: 15.1.2003

Radhey Lal Gupta son of Shri Dwarka Prasad Gupta aged about 47 years, working as Asstt. Engineer (Elec.) in the Office of Bharat Sanchar Nigam Ltd, Telecom (Elec.) Sub Div. I, IIIrd Floor, Jorawar Palace, Palanpur.

.... Applicant.

VERSUS

1. Union of India through Secretary, Ministry of Communication, Department of Telecommunications, 1300-A, Sanchar Bhawan, Ashoka Road, New Delhi.
2. Member (Production) Telecom Commission, Ministry of Information & Technology, Department of Telecom, West Block, W.I, Wing-2, Ground Floor R.K. Puram, Sector I, New Delhi.
3. The Assistant Director (Recruitment), Department of Telecommunications, Office of the Chief G.M.T, Rajasthan Telecom Circle, Jaipur.

... Respondents.

Mr. S.K. Singh, Counsel for the applicant.

CORAM:

Hon'ble Mr. H.O. Gupta, Member (Administrative)
Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

This OA has been filed for the following reliefs:-

- "1) That the Memorandum dated 17.10.2002 leading to major penalty under Rule 14 of CCS Rules, 1965 be quashed and set aside.
- 2) That any other relief which this Hon'ble Tribunal deems fit and proper in the facts and circumstances may kindly be given in the interest of justice.
- 3) That the cost of application may kindly be awarded in favour of the applicant."

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2. During the course of admission, the learned counsel for the applicant submitted that the charge sheet issued to him vide Annexure A/1 dated 17.10.2002, itself is not sustainable since as per notification of the respondents, all candidates were permitted to bring books, forms etc. to answer the questions. He submitted that since the respondents themselves permitted the books and if the applicant also bring his notes etc. to answer the questions, charge sheet cannot sustain.

3. We find from record that the charge relates to copying some portion of answers from the hand written papers. The charge sheet is also based on the advice of the Central Vigilence Commission. As per Annexure A/2, the candidates are permitted to carry only reference books & forms in the examination hall. In the circumstance, we do not wish to interfere in the matter at this stage. However, the respondents should finalise the proceedings expeditiously. Accordingly, this OA is disposed of at the admission stage itself with the direction to the respondents to complete the inquiry as early as possible preferably within six months from today, if based on the reply of the applicant, the respondents decide to conduct the inquiry as provided under Rules.

10/10/04
(M.L. GUPTA)
MEMBER (J)

10/10/04
(H.O. GUPTA)
MEMBER (A)