

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, JABALPUR

OA No.629/2002

Jabalpur, this the 16th day of July, 2004

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

S.C.Verma
Store Keeper Grade II
No.7 Drawing Office Survey of India
Survey Colony, Vijay Nagar
Jabalpur.

Applicant

(By advocate Shri S.K.Mishra)

Versus

1. Union of India
Through Secretary
Science & Technology
New Delhi.
2. Addl.Surveyor General
Survey of India
R-7, Yudhishthir Road
C-Scheme
Jaipur 302 005.
3. Director, Central Circle
Survey of India
Survey Colony, Vijay Nagar
Jabalpur.
4. Officer in charge
No.7 Drawing Office (Central Circle)
Survey of India, Survey Colony
Vijay Nagar, Jabalpur.
5. Officer in charge
No.61, Party (C.C.)
Survey of India
Survey Colony, Vijay Nagar
Jabalpur.

Respondents

(By advocate Shri S.P.Singh)

O R D E R

By Madan Mohan, Judicial Member

The applicant seeks the following reliefs:

- (i) To quash the order dated 15.5.2001 (A-8) by which punishment has been awarded and order No.C-297/4/A-523 dated nil passed by respondent No.3 and communicated vide order dated 10.9.2001, Annexure A-10 and order dated 7.2.2002, Annexure A-14 by which appeal and revision/review petitions have been rejected by respondent No.3 and 2 respectively.
2. The applicant is at present working as Store Keeper Grade II in No.7 Drawing Office (C.C.) , Survey of India, Jabalpur. Earlier he was working as Store Keeper Grade II in No.61 party (C.C.), Survey of India, Jabalpur from September 1989 to Oct. 2000. The duties and responsibilities of Store Keeper have been prescribed in the Departmental Book. There is a well established and prescribed system of stores purchase in Survey of India according to which

(Signature)

on demand of stores by the office unit, tenders/quotations are invited from different suppliers/firms, then purchase board consisting of 3 officers under the Chairmanship of officer in charge of the unit is constituted who approves the tender offer making a comparative chart of rates. Then the purchase order is placed by the officer in charge of the Unit to the firm whose tender/quotation is approved for supply of stores by the board. On supply of stores by the supplier, the stores are verified by the Board and on having been satisfied, the stores are handed over to the Store Keeper for crediting to stock ledger and ledger entry is attested by the assigned Gazetted Officer. As per the above procedure, certain stores were purchased from M/s Rinki Enterprises, c/o Nanhelal Baboolal, Fouhara, Jabalpur during 1990 to 1996 and it was duly credited in stock ledger and duly attested by Gazetted Officer authorized by officer in charge of the Unit and payment thereof was made. The applicant was not authorized to purchase any item. He was served with a charge sheet dated 30.3.2000 alleging that while working as Store Keeper in 61 party, the applicant had produced false claims of stores purchase in the name of fake firm M/s Rinki Enterprises during the period between 1990 and 1996 and misappropriated government money and thus failed to maintain absolute integrity. The charge sheet was issued after 10 years of the said alleged occurrence. The applicant denied all the charges. A departmental enquiry was conducted against him and by order dated 15.5.2001 (Annexure A-8) he was awarded two punishments i.e. (i) censure and (ii) withholding of one future stagnation increment without cumulative effect. The applicant preferred an appeal against this punishment



order, which was rejected mechanically without any speaking order vide letter dated 10.9.2001 (Annexure A10). Thereupon the applicant preferred a revision petition which was also rejected mechanically vide order dated 7.2.02 (Annexure A14) without any reasoned and speaking order. All the orders passed by the authorities concerned are liable to be quashed and set aside.

3. Heard the learned counsel for the parties. It was argued on behalf of the applicant that the applicant was not at all entitled to purchase any article according to the rules and he has not committed any irregularity or misappropriation. The punishment had been awarded without giving him an opportunity to defend his case. No charge was proved against the applicant. The applicant being the office bearer of the recognized Class III Service Association also participated in demonstrations which infuriated respondents 3 & 5 and they started finding out ways and means to harass and punish the applicant. The counsel further argued that the applicant was awarded two punishments simultaneously which is against the accepted norms and rules.

4. In reply, the counsel for respondents argued that the standard procedure is that the OC party procures the stores limited to his power of authorization and after calling quotations from the firms, physically receiving the stores and verifying the items,, the payment is made. In the present case, the cheque was issued by the Mstt. and Account Officer, Central Circle to the OC No.61 party (CC) for payment to the firm. However, in all these procedures, trustworthiness and integrity of store keeper of the unit was essential. He collected the quotation from M/s Rinki Enterprises and after completion of procurement delivered the cheque to the firm. However, he could not confirm the location of the firm when inquiry was made by respondent No.5 on

directive of respondent No.1. The applicant was found to misuse his position as store keeper even when its office was not located at given address. The applicant failed to maintain integrity and honesty required for becoming a government servant. It was further argued that two punishments can be legally awarded. Due opportunity of hearing was given to the applicant.

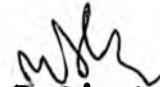
5. After hearing the learned counsel for the parties and carefully perusing the records, we find that due opportunity of hearing was given to the applicant as he preferred an appeal against the order passed by the Disciplinary Authority and also against the order passed by the Appellate Authority. We have perused the impugned orders. All orders are speaking and reasoned and therefore the charge against the applicant is proved. Annexure A-4 shows that on enquiry it was found that the alleged firm M/s Rinki Enterprises was not found on that address. So far as the two punishments awarded to the applicant is concerned, it is not, in accordance with para 12 (1) of CCS (CCA) Rules 1965. only one penalty should have been awarded. Apparently, the respondents have committed an error in awarding two punishments against the applicant and hence the impugned orders are liable to be quashed and set aside.

6. Accordingly we quash and set aside the order passed by the disciplinary authority (Annexure A-8), the order passed by the appellate authority (Annexure A10) and the order passed by the revisional authority (Annexure 14). The Original Application is allowed and the case is remitted back to the disciplinary authority to



pass appropriate orders in accordance with rules.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

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पृष्ठांकन सं. ओ/वा.....जबलपुर, दि.....
प्रतिलिपि अच्छे हितः—

(1) सचिव, उच्च न्यायालय लाइनोडिशन, जबलपुर
(2) अधेक्षक श्री/श्रीमती/कु.....के कार्यसल SK MISHRA
(3) प्रत्यक्षी श्री/श्रीमती/कु.....के कार्यसल SP SINGH
(4) व्यंयपाल, लो.ए.ज., जबलपुर व्यापारी दंतु


उप रजिस्ट्रर 22-7-04

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