

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, INDORE

O.A.No.965/97

Indore, this the 19th day of February, 2003

Hon'ble Shri Justice N.N. Singh, Vice Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Jaisingh Pawar s/o Late Laxmansingh  
Pawar, Occupation-NIL  
R/O Indore

.....Applicant  
(By Advocate: Ms. Vandana Kasrekar.)

Versus

1. Union of India through Secretary  
Industries Department (SSI Agro-and Rural  
Industries) Udyog Bhavan, New Delhi
2. Development Commissioner  
Small Scale Industries  
Department of SSI Agro and Rural Industries,  
Nirman Bhavan, South Wing 7th Floor Maulana  
Azad Road, New Delhi
3. Director  
Govt. of India  
Ministry of Industries  
Small Industries Service  
Institute 10, Industrial Estate  
Pologround Indore

.....Respondents

(By Advocate: Mr. Brian da Silva.)

O R D E R (ORAL.)

Shri Govindan S. Tampi:

Reliefs sought for by the applicant in this application are under:-

- "i) that the order of removal dated 12.8.96 (Annex. A-7) as well as the appellate order dated 19.12.96 (Annex.A-9) be set-aside;
- ii) that the applicant be reinstated with all monetary and consequential benefits; and
- iii) any other relief which this Hon'ble Court deems fit be granted to the applicant."

2. The applicant, who was working as Stenographer (Senior Grade) with respondent No.3, was suspended by

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order dated 15.7.1994. The applicant was served a charge sheet dated 15.11.1994 containing allegations that the charges against the applicant are that (i) he had given misleading information regarding his mental status and he has married with three women; (ii) he destroyed his personal file to avoid disciplinary action and that he was taking leave too frequently. On his denying the charges, inquiry was conducted wherein the inquiry officer held the charges as proved which was a biased finding. The inquiry officer has also recorded that the applicant has got the employment on the basis of fraudulent certificates of SC and ST. After considering the inquiry report submitted by the inquiry officer, the disciplinary authority, by an order dated 12.8.1996, imposed the penalty of removal from service upon the applicant, which was upheld in appeal on 19.12.1996. Both these orders are impugned in the present OA.

3. Grounds raised in the OA are that:-

a) the enquiry officer, disciplinary authority and appellate authority had not considered the evidences on record,

b) the findings given in the inquiry report are totally vague and vitiated as it is clear from the fact that the inquiry officer found the charge proved.

c) the findings of the inquiry officer were based on extraneous material.

d) the inquiry officer was biased again the applicant.

a) no order was passed by the respondents on the application for change of the inquiry officer and that

f) no opportunity was afforded to the applicant to defend his case.

4. Replying on behalf of and reiterating their written pleas, Mr. Brian da Silva, learned counsel submitted that the applicant was placed under suspension on 15.7.1994 strictly in accordance with the rules as disciplinary proceedings were contemplated against him. Charge-sheet issued to him on 15.11.1994 had contained imputations of misconduct on which the articles of charge were based along with the documents relied upon with the list of witnesses. On his denial, it is decided to hold the inquiry. The inquiry officer fixed hearings on 27.4.1995, 10.5.1995, 22.6.1995 and 6.7.1995 but the applicant did not present himself for the inquiry. The inquiry officer was, therefore, forced to conduct the proceedings ex parte on 8.8.1995 and 20.9.1995. During the proceedings, it was shown that the applicant had contracted three marriages one after the other and was leaving with all the three ladies. It is also found that he had destroyed official records and that he had been in the habit of taking leave too frequently for comfort. The inquiry officer, therefore, held the charge as proved. The inquiry had been conducted by the inquiry officer in strict adherence to the rules and all the allegations made by the applicant against the inquiry officer have no basis. Thereafter, the disciplinary authority have called for his comments on the inquiry

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report and the applicant was also given an opportunity of personal hearing on 15.11.1994. The disciplinary authority passed the order on 12.3.1996, keeping in view the number of allegations and the nature of the misconduct. The appellate authority also had passed a detailed and speaking order considering of the points raised by the applicant in his appeal. The said authority also had come independent conclusion that the charges against the applicant stood proved and that the disciplinary authority had acted correctly. As the proceedings against the applicant had been pursued strictly in accordance with the settled principles of law and the decision was arrived at after examination of the facts and circumstances brought on file and no improprieties were committed, the impugned orders do not suffer from any infirmity and do not warrant any interference from the Tribunal, according to Mr. Brian da Silva.

5. We have carefully considered the matter and we find that the applicant has not made out any case for himself. Proceedings were initiated against him for actions in violation of the various provisions of CCS (Conduct) Rules, including contracting three marriages at the same time, destroying official records and taking too much of leave so as to hamper the official work, all of which show the applicant has guilty of conduct unbecoming of a Govt. servant. Perusal of the record brought before us shows that the applicant has been given all the documents relied upon so that he could prepare his defence. Repeated opportunities were given during the

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departmental inquiry. Not having availed himself of the facility of participating in the departmental inquiry, the applicant cannot turn around and state that his cause has been prejudiced. His allegation that the inquiry officer was bias against him, had no basis. He had alleged that the inquiry officer had brought in certain extraneous material, like his having allegedly produced wrong certificate for procuring job in the quota meant for SC/ST, which had not found part of the charge. The disciplinary authority's order does not at all show that he was, in any way, influenced by this observation in passing by the inquiring authority and, therefore, we are convinced that no prejudice at all has been caused to the applicant. The disciplinary authority's order is a reasoned and speaking one, so is the detailed and illucit order passed by the appellate authority.

6. In the above circumstances, we are of the considered view that all the proceedings have been gone through strictly in accordance with law and no procedural infirmity has been committed by the respondents. Violation of the principles of natural justice also had not taken place. Orders passed by the disciplinary and appellate authorities are reasoned and speaking and in the circumstances of the case pointing to gross misconduct the imposition of penalty of removal on him could not be treated as something which shocks the judicial conscience.

7. In the above view of the matter, we are convinced that the applicant has not at all brought any case for

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our interference in this matter. The OA is devoid of any merit and is accordingly dismissed. No costs.

(Govindan S. Tampi)  
Member (A)

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N.N.Singh  
(N.N.Singh)  
Vice Chairman

कृष्णकल टं. ओ/व्या..... राजस्थान, दि.....  
क्रिएटिव इंडिया, राजस्थान, जयपुर  
(1) राजस्थान राज्य विधान सभा, जयपुर  
कृष्णकल टं. ओ/व्या..... राजस्थान ms. Venkatesh Kereka And  
(2) राजस्थान राज्य विधान सभा, जयपुर  
(3) राजस्थान राज्य विधान सभा, जयपुर  
(4) राजस्थान राज्य विधान सभा, जयपुर  
कृष्णकल टं. ओ/व्या..... राजस्थान दि.....  
क्रिएटिव इंडिया, राजस्थान, जयपुर

John Sebastian  
30/3/2003

Issued  
On 24.3.03  
By