

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 139 of 1998

Jabalpur, this the 8th day of May 2003.

Hon'ble Mr. R.K. Upadhyaya - Administrative Member
Hon'ble Mr. J.K. Kaushik - Judicial Member

D.N. Dubey, aged 54 years, son of
the late L.P. Dubey, T.M. (0), Jabalpur,
(Under suspension), resident of 30,
Shakti Nagar, Gupteshwar Road, Jabalpur,
(M.P.).

APPLICANT

(By Advocate - Shri Deepak Panjwani, Jr. to Shri R. Tiwari

VERSUS

1. Union of India through the Secretary, Ministry of Communication, New Delhi.
2. Senior Superintendent, Telegraph Traffic, Jabalpur Division, Jabalpur.
3. Superintendent, Central Telegraph Office, Jabalpur.
4. General Manager, Telecommunication, Jabalpur.
5. Deputy General Manager (Admn.), Telecom, Jabalpur.
6. Shri M.K. Mishra, T.T.S., Now SDOT 0/0 Divisional Engineer (Ad hoc), Postal Department Bilaspur. T.D.M. Bilaspur (M.P.)

(By Advocate - Shri S.A. Dharmadhikari)

ORDER (ORAL)

By J.K. Kaushik, Judicial Member :-

Shri D.N. Dubey has assailed the impugned orders dated 12/12/1996 (Annexure A/13) and order dated 01/01/1998 (Annexure A/18) (SIC Annexure A/11) and has further prayed that the enquiry as such may be quashed.

2. The short recital of the facts of the case are that the applicant while working on the post of Telegraph Master (Operation) D.T.O., Premnagar, Jabalpur was served

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with a charge sheet vide memo dated 21/08/1991 under rule 14 of CCS(CCA) Rules, 1965, alleging violation of rule 3(1)(i)&(iii) of CCS(Conduct) Rules, 1965. He denied the allegations and asked for certain documents. But the documents were not supplied to him and an enquiry was ordered to be conducted in the matter. The case of the applicant is that the documents were not available with the enquiry authority as the same ^{were} / with the CBI as a case was pending in the CBI court and the respondents were not able to supply. The applicant was persuaded and was asked to admit the charges so that a very lenient view can be taken against him. As per the assurance of the respondents the applicant admitted the charges vide letter dated 16/11/1996 (Annexure A/15) whereafter the enquiry was concluded and an order dated 12/12/1996 (Annexure A/13) was passed. As per Annexure A/13 the disciplinary authority has imposed the penalty of reduction by three stages from Rs. 2000 to Rs. 1850/- in the time scale of pay for a period of three years with effect from 16/12/1996 and the applicant will not earn increments of pay during the period of reduction and that on the expiry of this period reduction will have the effect of postponing his future increments. Thereafter the applicant preferred an appeal to the appellate authority and also prayed for giving the opportunity of personal hearing. But he was not allowed the personal hearing and the appeal was rejected on 01/01/1998 (Annexure A/18). The OA has been filed on multiple grounds mainly that he has not been supplied in as much as the relevant documents which were said to be with the C.B.I. and there has been denial of reasonable opportunity.

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3. The respondents have contested the case and have filed a detailed counter reply denying the facts and grounds raised in the original application.

4. We have heard the learned counsel for the parties and have carefully perused the records of this case. The learned counsel for the parties have reiterated the facts and grounds raised in their respective pleadings. It has been strongly urged on behalf of the applicant that the applicant was compelled to admit the charges and he did not admit the charges voluntarily. Further the complete facts were brought to the notice of the appellate authority but the appellate authority has also ignored to his submissions and opportunity of personal hearing was not extended despite of specific asking.

5. The learned counsel for the respondents has reiterated their stand of defence mentioned in the reply to the original application and has submitted that the impugned order have been passed after due application of mind and there is no infirmity or illegality in the said orders. There was ^{no} pressure exerted on the applicant and he suo-moto admitted the charges. Since he admitted the charges there was hardly any necessity of giving him any opportunity of personal hearing by the appellate authority. Otherwise also no prejudice has been caused to him for not giving him the personal hearing since he has admitted the charges.

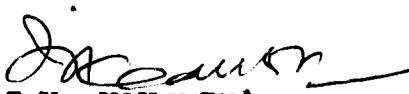
6. We have considered the rival contentions raised on behalf of the parties. We have carried out a close scrutiny of the records of this case and have found nothing on the records so as to indicate that the applicant was compelled to admit the charges. Since the applicant has admitted the charges we do not find any

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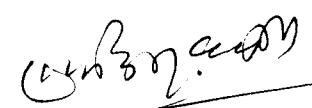
arbitrariness or unfairness in the action of the authorities in imposing the penalty.

7. As regards the contention of the learned counsel for the applicant that despite a specific request in the appeal for grant of personal hearing to the applicant before deciding the appeal, we are satisfied with the submissions of the learned counsel for the respondents and otherwise also we find that there is no provision of such hearing in the rules, and in the absence of the rules it is not necessary to accord such permission. This proposition of the law has been propounded by the Hon'ble Supreme Court in the case of State Bank of Patiala Vs. Mahendra Kumar Singhal reported at AIR 1994 Supp. 2 SCC 463 and thus the action of the respondents is just and proper and does not call for any interference.

8. In the aforesaid premises the original application does not have any merit and the same stands dismissed with no order as to costs.


(J.K. KAUSHIK)

JUDICIAL MEMBER


(R.K. UPADHYAYA)

ADMINISTRATIVE MEMBER

मुद्रित सं. ओ/व्या.....जबलपुर, दि.....
प्रतिरिप्रये दाता दिन:—
(1) सचिव, जबलपुर राज्य विधानसभा, जबलपुर
(2) अधिकारी, जबलपुर राज्य विधानसभा, जबलपुर R. Tiwari, Adv.
(3) प्रवक्ता, जबलपुर राज्य विधानसभा, जबलपुर SA Dhammadihari, Adv.
(4) विधायक, जबलपुर राज्य विधानसभा, जबलपुर
मुद्रित पर अवश्यक रहना चाही दिये


17/5/03