

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

.....

original Application No: 277/2000

Jabalpur, this the 9th day of March, 2004

HON'BLE SHRI M.P.SINGH, VICE CHAIRMAN  
HON'BLE SHRI MADAN MOHAN, MEMBER (J)

R.R.Majumdar, aged about 53 years,  
S/o late Shri S.C.Majumdar,  
Section officer, Security Paper Mill,  
Hosangabad (MP).

...Applicant

(By Advocate: Shri S.K.Nagpal)

-versus-

1. Union of India through  
Secretary,  
Govt. of India,  
Ministry of Finance,  
North Block, New Delhi.
2. The General Manager,  
Security Paper Mill,  
Hosangabad (MP).
3. Dy. General Manager &  
Head of Department,  
Security Paper Mill,  
Hosangabad (MP).

...Respondents

(By Advocate: Shri B.da.Silva)

O R D E R (OPAL)

By Shri Madan Mohan, Member (J):

By filing this O.A. the applicant has sought  
the following relief:

"to quash the impugned order dated 30th June,  
1999 and to direct the respondents to reinstate  
the applicant to the post of Senior Section  
officer w.e.f. 01.07.1999 with all consequential  
benefits including arrears of pay and allowances."

2. The brief facts of the case are that the  
Senior  
applicant was working as/Section officer under respondent  
no. 3 on ad-hoc basis for more than five years. By  
impugned order (A/1) the respondent no. 3 has terminated  
his ad-hoc promotion with effect from 30.6.1999(AM) and  
thereby the applicant has been reverted to the post of  
Section officer and has also been debarred from

promotion for a period of three years. According to the National Productivity Council ( for short, NPC) the post of office Superintendent in the scale of Rs.1600-2600/- was upgraded as Assistant Manager (Establishment) At that time the applicant was holding the post of office Superintendent in Perso nel Admn. wherein the post of office Supdt. was abolished and in its place the said higher post was created. The applicant should have been upgraded to the aforesaid post of Assistant Manager (Establishment).

3. Instead of promoting the applicant to the post of Assistant Manager (Establishment), respondent no. 3 arbitrarily, unjustly and in contravention to the recommendations, posted the applicant to the post of Section officer in a newly created Canteen Department, though the applicant continued to work in the Administrative Section. Subsequently he was promoted to the post of Senior Section officer (Industrial Relations) w.e.f. 14.6.1994. When the recommendation of the NPC was not implemented in the case of the applicant, he made representation to the competent authority on 2.12.1994. The applicant met Shri Sundreshan, Joint Secretary on 12.2.1999 when he visited the SPM, Hosangabad and requested for his intervention to get justice.

4. Instead of repeated requests of the applicant, respondent no. 3 got personally annoyed with the applicant without any cause and justification and issued a charge sheet on the ground that the applicant was making false representations and it was an act of insubordination. Applicant submitted his reply to the same and the said chargesheet was withdrawn. When justice was denied to the applicant, he made representations to the Govt. of India, Ministry of Finace (through proper channel). However, since his grievance was not redressed by the Ministry of Finance, he made representation to the

of India seeking justice which has been denied to him by respondents by not implementing the recommendation of NEC in his case. Respondent no. 3 got annoyed with his action and he issued a chargesheet under Rule 16 of CCS(CCA)Rules, to the applicant on 11.11.1997 on the ground that despite of warning issued, applicant resorted to make representations to the Prime Minister of India on 8.8.1997 and thus violated the CCS(Conduct) Rules by trying to bring political pressure to settle the service matters. Subsequently another chargesheet under Rule 16 was issued to the applicant on 15.12.1997 levelling the same charges. The applicant denied all the allegations and submitted that he did not violate any provisions contained in CCS (Conduct) Rules and there is no prohibition in submitting appeal/representations to higher authorities even to the President of India/Prime Minister of India if it is routed through proper channel. Prime Minister is not a political person even though he may belong to a particular political party. He is the head of Government who frames the policy for governing the country including the service conditions of Govt. employees. Applicant sent his representations to Prime Minister of India only through proper channel and never addressed him as an office bearer of a political party to get his grievances redressed and used political pressure to get justice.

5. Despite the representation of applicant, respondent no. 3 went on with the enquiry and for that purpose he appointed Shri K.K.Majumdar, Dy. Chief Engineer (Mech.) as Enquiry officer. The applicant cooperated with the enquiry. However, enquiry officer conducted the enquiry in an arbitrary manner and without following the principles of natural justice. Copy of the enquiry report was made available to the applicant on 8.3.1999 against which applicant submitted his defence on 6.4.1999. However,

without considering the submission of the applicant and without looking into the subject i.e. whether the enquiry is proper or fair, respondent no. 3 imposed the penalty. Applicant, on being aggrieved by the said order, made an appeal to the Joint Secretary, Ministry of Finance on 2.7.1999 which was followed by subsequent appeals on various dates clarifying his position and how justice has been denied to him by conducting the enquiry which was a mockery of the entire process. These appeals have not yet been considered by the appellate authority and applicant has no alternate remedy except approaching this Tribunal for seeking the relief.

6. We have heard the learned counsel for the parties and have carefully considered the rival contentions of the parties and also perused the pleadings and other material available on record.

7. Learned counsel for the applicant argued that when the applicant's grievances were not redressed by any of the authorities, he was compelled to make representation to the then Prime Minister of India seeking justice but the said representation was made through proper channel and the applicant never addressed him as an office bearer of any political party to get his grievances redressed and did not use political pressure for the purpose. The Prime Minister is the head of the Government who frames the policy for governing the country including the service conditions of Government employee. On making the representation to the then Prime Minister of India, respondents got annoyed which is absolutely illegal. The respondents cannot restrict the applicant to seek the justice from any of the authorities of the country from whom he can get the relief under the law.

8. In reply to this argument, the learned counsel for the respondents argued that despite explaining the rule position to the applicant and advising him to desist

10. After hearing the learned counsel for the parties and perusing the pleadings and relevant documents on record, we are of the opinion that the arguments advanced on behalf of the applicant seems to be reasonable and thus the O.A. deserves to be allowed.

11. In view of the above, the O.A. is allowed and the impugned order is set aside and quashed directing the respondents to reinstate the applicant to the post of Senior Section officer w.e.f. 1.7.1999 and pay him all the consequential benefits including arrears of pay and allowances in accordance with rules and law, within a period of three months from the date of receipt of a copy of this order. No costs.

Madan Mohan

(MADAN MOHAN)  
MEMBER (J)

M.P. Singh  
(M.P. SINGH)  
VICE CHAIRMAN

/na/

प्रमाणित किया जाता है कि..... दिनांक.....

(1) ..... द्वारा

(2) ..... द्वारा

(3) ..... द्वारा

(4) ..... द्वारा

राज्य सेवा आयोग, नया दिल्ली  
29/3/04

S.K. Nayyar  
B. Dasgupta

Tussell  
29/3/04