

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, JABALPUR

CIRCUIT COURT SITTING HELD AT INDORE

O.A. NO. 74/2000

Ikramuddin, S/o. Fakhruddin,
Aged about 30 years, Working as
Chokidar (Class IV), Office Address – C/o.
Commandant, Military College of Telecon. Engg.
Mhow (MP) – 453441,
Residential Address : House No. ----, Mhow Caon.
The. Mhow, Dist. Indore (MP). **Applicant**

V e r s u s

1. The Secretary, Government of
India, Ministry of Defence,
New Delhi.
2. The Director General of Signals (Sigs-4(c),
Army Head Quarters, DHQ., PO.,
New Delhi.
3. The Commandant,
Military College of Telecom. Engg.
Mhow (MP) – 453441. **Respondents**

Counsel :

Shri I.H. Khan for the applicant.
Shri V. Saran for the respondents.

Coram :

Hon'ble Shri Justice N.N. Singh – Vice Chairman.
Hon'ble Shri Govindan S. Tampi – Member (Admnv.).

O R D E R (Oral)

(Passed on this the 18th day of February 2003)

Shri Govindan S. Tampi :-

The applicant challenges the disciplinary proceedings initiated against him which resulted in imposition of penalty of stoppage of two annual increments for a period of two years with cumulative effect.

2. Heard Shri I.H. Khan, learned counsel for applicant and Shri Vivek Saran, learned counsel for respondents.

3. On 10.2.1998, when the applicant was on duty as a Watchman at Post No.10, certain altercation occurred between him and the Signalman from the Army. Proceedings were initiated and concluded against the said individual and the matter was treated as closed. However, the matter was reopened and the charge-sheet was issued upon the applicant, who was a civilian employee. Though the empty formalities of inquiry proceedings had been gone through, the said proceedings, including the final report of the inquiry officer, were never communicated to him. Still, on 21.6.1999, punishment involving "stoppage of two annual increments for a period of two years with cumulative effect" was imposed on the applicant. The applicant's appeal dated 1.7.1999 had not been considered leading to the filing of this OA.

4. The grounds raised in this OA are that:

- i) the matter once closed had been reopened with malicious intentions,
- ii) the charge sheet had not been signed by the Commandant of the Unit, but by some other authority,

- iii) the charge and the DE proceedings had become invalid, as the DE proceedings were not finalised.
- iv) opportunity of defence was not given to him.
- v) the said order itself was passed after considerable delay though the order per se was not a speaking order.
- vi) the order also suffers from other procedural infirmities; and
- vii) the nature of punishment imposed was harsh and excessive.

5. Shri Vivek Saran, learned counsel points out that proceedings had been correctly initiated against the applicant. He, along with two other civilian employees, had a quarrel/altercation with staff member from the uniformed side on 10.2.1998, the uniformed person was dealt with under the Army Regulations. The applicant's case was dealt with under CCS (CCA) Rules and this was the only correct step to be taken. Defence Assistant had also been provided to him and he was given all the chances for explaining his case. The inquiry report was finalised on 3.3.1997 and the punishment order was issued on 21.6.1999. Therefore, only a period of three months had intervened in between, which could not be considered as unreasonable. Therefore, no interference by the Tribunal was called for.

6. We have carefully considered the matter. In this case, the applicant, who is a civilian employee, had been penalised on account of a quarrel/altercation he had with a defence personnel, who was dealt with under Army Regulations. The respondents' plea that once the proceedings under the Army Regulations are over, there was no ground or justification for initiating proceedings against the applicant, has no basis. Delinquent employee would have to be dealt with for acts of

misconduct whether they are from the uniformed staff or otherwise. The proceedings under the Army Regulations against one of the individuals does not mean that the proceedings against the civilian employee should identically be ceased, as the applicant would like the Tribunal to be believed. However, Annexure R-6 produced by the respondents from file No.5263/Chow/SK/AK/IK/Est. showed that the disciplinary authority was influenced by the past conduct. The note sheets produced state that the inquiry officer had found the applicant and his colleagues to be guilty of the charges. He further refers to two previous irregularities committed by the applicant, which has been kept in mind by the disciplinary authority ordering the penalty. This will show that the imposition of penalty was vitiated inasmuch as extraneous material like the previous bad conduct of the applicant, which had not been formed part of the charge sheet had influenced the disciplinary authority's order. Therefore, it is vitiated and would have to be quashed and set aside.

7. In the above view of the matter, OA succeeds and is accordingly disposed of. The disciplinary authority's order is quashed and set aside and the matter is remitted to the said authority for deciding on the issue taking into consideration the previous bad history of the applicant. This may be done within a period of three months from the date of receipt of a copy of this order.

(Govindan S. Tampi)
Member (A)

/sunil/

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

पृष्ठांकन सं. ओ. नं. जयलपुर, दि.

- (1) जयलपुर T 11 1. 10/12, Ady. gnd.
- (2) के काउंसल 11 Bhanu 11 Ady. gnd.
- (3) के काउंसल
- (4) के काउंसल
- सूचना की है।

Thasla
उप रेजिस्ट्रार
4/8/03

Issued
On 6.3.03
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