

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 747 of 2000

Jabalpur, this the 17th day of February, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G.Shanthappa, Judicial Member

1. S. N.L. Srivastava
Section A.G.P. No. 6641704 F.L.D.C.
506, Army Base Workshop,
Jabalpur, (M.P.)
- 1.a. Smt. Giraja Devi W/o Late Shri
S. N.L. Srivastava, aged 50
years, Occupation-Housewife.
2. Ku. Reeta Srivastava D/o Late
Shri S. N.L. Srivastava, Aged
28 years, Occupation - Advocacy.
3. Ku. Aruna Srivastava D/o Late Shri
S. N.L. Srivastava, aged 24 years,
Occupation-Nil.
4. Shri Anjani Kumar Srivastava
S/o Shri S.N.L. Srivastava,
Aged 22 years, Occupation - Nill
5. Ku. Anjana Srivastava D/o Late S.N.L.
Srivastava, Aged 20 years, Occupation
Nill
6. Ajay Kumar Srivastava S/o Late
S.N.L. Srivastava, Aged 18 years,
Occupation - Nil.

APPLICANTS

(By Advocate - Shri R.P. Kanojia)

VERSUS

1. Union of India
through: Secretary Ministry of
Defence New Delhi.
2. Commander (Appellate Authority)
Head Quarters Base Works Shop
Group B.M.E. Meerut.
Cantt-01.
3. Commandant (Disciplinary Authority)
506, Army Base Works Shop,
Jabalpur.

RESPONDENTS

(By Advocate - Shri Harshit Patel on behalf of
Shri S.C. Sharma)

ORDER (ORAL)

By G. Shanthappa, Judicial Member -

The above OA is filed seeking the following reliefs:-

- (a) That the appellate authority in the impugned order had found that the Enquiry authority had recorded the pleading of guilty and got the signature of the applicant which is against the settle principle authority.

G.S.

- (b) That the appellate Authority finding that there are enough documents to prove the charge is inconsistent to Annexure-III or Articles of Charges in which not single document has been listed.
- (c) That the appellate authority erred in holding that no witness is required to prove the charges.
- (d) That the impugned order deserves to be set aside.

2. The brief facts of the case are that the applicant was served ^{with} a charge sheet for misuse of LTC amount ~~to~~ ^{for} his daughter's marriage. An enquiry officer has been appointed to investigate the charges levelled against the applicant. The enquiry officer held the charges proved against the applicant. Thereafter, the disciplinary authority has passed an order dated 1.7.1999 by which the applicant's pay has been reduced by one stage from Rs. 4510 to Rs. 4430/- w.e.f. 1.7.99 and also directed that he will not earn increment of pay during the period of reduction. Aggrieved by this the applicant has preferred an appeal to the appellate authority. The appellate authority has considered the appeal and rejected the same. The main contention of the applicant is that the disciplinary authority has not properly conducted the enquiry and the disciplinary authority and the appellate authority have not followed by the principle of natural justice. Therefore, the impugned orders are liable to be quashed.

3. The respondents have filed their reply denying the averments made in the OA. The contentions of the respondents are that the applicant was working as Lower Division Clerk (LDC) and he has taken LTC amount. The same has not been utilised for LTC, instead he has used the same for marriage of his daughter. This fact ~~has been~~ admitted himself. On the basis of admission, the disciplinary authority has imposed the

G.S.

: 3 :

penalty of reduction of his pay by one stage from Rs. 4510 to Rs. 4430/- in the time scale of pay of Rs. 3050-75-3950-80-4590/- for a period of three years with effect from 1.7.1999 and also directed that he will not earn increment of pay during the period of reduction and that on expiry of this period, the reduction will have the effect of postponing his future increments of pay. Against the said order, the applicant ~~has~~ preferred an appeal to the appellate authority. The appellate authority has considered the appeal and rejected the same by passing a detailed, considered and reasoned order dated 27.7.2000. Since the applicant has already admitted the charge, the disciplinary authority and appellate authority have properly considered the case of the applicant and there is no violation of principles of natural justice. Hence, the application is liable to be dismissed.

4. We have heard the learned counsel for the parties and perused the record.

5. We find that ~~xx~~ Annexure R-3, dated 20.12.99 contains the admission of the applicant which is extracted as under:

2. I plead guilty of the charge framed against me mentioned statement of articles of charge as Annexure-I and II.

3. However, I request to apprise the disciplinary authority the punishment awarded to me may please be reduced/review as this will have direct effect on my pay and allowances and also adversely effect on my post retirement benefit.

4. I assure you that such mistake will not be repeated in future.

Since the applicant has already admitted the charges levelled against him, ~~considering~~ the disciplinary authority has imposed the penalty on the basis of his own admission of the charges. We have perused the order of disciplinary authority and we have come to the conclusion that the disciplinary authority has assigned the reasons and passed a detailed and reasoned order.

GJ

6. We perused the order of the disciplinary authority dated 1.5.2000 (Annexure A-4), in which the disciplinary authority has exercised its power under Rule 14 of the CCS (CCA) Rules, 1965. The reasons assigned in the order are that ^{on} the statement of imputation of misconduct or ^{on} misbehaviour of the applicant, the enquiry was proposed to be held. Alongwith the articles of charges, the list of documents and the list of witnesses were given to the applicant. After submitting the objections, the enquiry was held only in respect of the articles of charges and the enquiry officer has submitted his report. On the basis of the enquiry report, the impugned punishment order has been passed. The misconduct of the applicant is that he committed an offence by misusing the government money. Hence, he has become unbecoming of a government servant. The disciplinary authority has also considered the conduct of the applicant regarding misutilisation of the money of ~~LIC~~ for the marriage of his daughter. The applicant has faced the charges on the basis of the documents and oral evidence adduced before the enquiry officer and in view of the reasons assigned in the enquiry report the two charges levelled against the applicant were proved. The applicant has submitted his representation against the enquiry report. After careful consideration of the enquiry report and the representation of the applicant, the disciplinary authority has imposed the penalty reducing by two stages from Rs. 4590/- to Rs. 4430 in the time scale of pay of Rs. 3050-4590 for a period of one year and six months with effect from 1.5.2000. It was further directed that the applicant will not earn increments of pay during the period of reduction and that on the expiry of period the reduction will have the effect of postponing his future increments of pay. The applicant preferred an appeal before the appellate authority who has assigned the reasons and passed a speaking order on 27.7.2000. Hence, we find that the principles of natural justice has not been violated by the respondents.

7. We are of the considered view that the disciplinary authority and appellate authority have passed a considered and reasoned order. The disciplinary authority had already given an opportunity of hearing to the applicant. Therefore, there is no violation of principles of natural justice. We do not find any infirmity with the aforesaid orders. The OA is bereft of merit. Accordingly, the OA is dismissed. No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

पृष्ठांकन सं भौ/ला.....जलतनासु. दि.....

યત્તિરિષ્ટિ ॥ ૨૨૫ ॥

(1) समिति, दाता एवं विद्युत विभाग, विद्युत विभाग, विद्युत विभाग

(2) अस्ति विद्यम् अस्ति विद्यम् अस्ति विद्यम् अस्ति विद्यम्

(3) यद्यपि वे न होते तो वे अपने लिए बड़ा अल

(4) दंत्यक्षरा । विद्युत, विद्युत, विद्युत् ।

साधना एवं आवश्यक वार्ता

उमरजिस्ट्रारी (31)

gssued
no 9.3.04