

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.3603 /2013

This the 16th day of July, 2016

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Rejeev Ranjan Sinha
S/o Late Sh.Saryug Prasad
R/o Flat No.1E, Shivalika Apartments,
Plot No.16, Sector-9, Dwarka,
New Delhi. Applicant

(By Advocate: Ms. Aditi Gupta for Shri Naresh Kaushik)

Versus

1. Union of India through
Secretary, Ministry of Defence,
South Block, New Delhi.
2. The Financial Advisor (DS)
Ministry of Defence, South Block
New Delhi-110011.
3. Controller General of Defence Accounts
Ulan Batar Road, Delhi Cantt.
New Delhi-110010.
4. Sh. Arvind Kaushal
The then PDCA (R&D)
West Block-V, R.K. Puram,
New Delhi-110066.
5. Office of the PCDA (R&D)
West Block-V, R.K. Puram
New Delhi-110066. Respondents

(By Advocate: Shri D.S.Mahendru)

ORDER(ORAL)**By Hon'ble Mr.Justice Permod Kohli:**

The applicant was serving as Assistant Accounts Officers in the office of Principal Controller of Defence Accounts (R&D) in West Block-V, R.K.Puram, New Delhi. It is admitted case of the applicant that he was assigned duties in Fund Cell-I and later he was also assigned the duty of Fund Cell-II and maintenance of Fund Record Sections as well. The applicant was served with memorandum of charge dated 15.04.2011 for alleged delay in processing/clearing 123 cases and two article of charges were served along with memo relating to delay in clearing the final settlement cases in respect of GP Fund including some death cases. The applicant had submitted his representation on 27.06.2011 to the memo of charge wherein he denied the charges and also annexed thereto a chart giving details of 46 files which the applicant had inspected out of the 123 files. The applicant submits that he was not permitted to inspect all the 123 files which formed basis for the charge sheet. The disciplinary authority on consideration of his representation passed the impugned order dated 04.08.2011 whereby minor penalty of reduction to a lower stage in the time scale of pay by one stage for a period of two years, without cumulative effect and with effect from the date of issue of impugned order, was imposed.

2. Learned counsel appearing for the applicant vehemently argued that the impugned order does not take into consideration his representation and is cryptic in nature. His further submission is that

he was not permitted to inspect all the 123 files for which the applicant was charged for causing delay in clearing the files.

3. Learned counsel appearing for the respondents has referred to the additional counter affidavit filed on behalf of the respondents wherein it is stated that the applicant was given full opportunity to inspect all the documents he wanted. However, the applicant deliberately prolonged the proceedings and inspected only 46 files. The applicant was asked to submit his representation based on the 46 files as inspected by him within the extended time granted to him. The representation dated 27.06.2011 of the applicant was duly considered by the disciplinary authority in its order dated 04.08.2011. It is further submitted that respondents asked him to inspect files by 25.05.2011, which fact is, however, denied by the applicant.

4. Be that as it may, while exercising the power of judicial review the court is required to examine the disciplinary proceedings in a limited manner to find that there is no violation of principles of natural justice and as to whether the relevant rules have been complied with or not. The Tribunal does not sit as a court of appeal over the conduct of the disciplinary proceedings, including the final order of punishment. From the impugned order, we find that the representation of the applicant has been duly considered. Even from extracts of 46 files inspected by the applicant in the form of the chart produced, we find that there is delay in clearing the files by the applicant. It is not the case of the applicant that there has been no delay in clearing the files. It is for the disciplinary authority to impose the punishment upon the delinquent officer if the charge is proved. There are clear findings

recorded by the disciplinary authority that there has been delay in disposal of the files ranging from 12 to 62 days in death cases, and in respect of other cases which could be cleared within a day, took more than a month. In respect of a voluntary retirement case, the applicant sat over the same for more than two months. These findings could not be rebutted by the applicant.

5. We find no merits in the OA. It is accordingly dismissed.

(K.N. Shrivastava)
Member(A)

(Permod Kohli)
Chairman

/rb/