

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

O.A. No.4312/2012

This the 5th October, 2016

Hon'ble Shri P.K. Basu, Member (A)

Shri Ravinder Kumar Narula
Junior Engineer (Civil)
Under Superintendent Engineer DCC-IV
CPWD, IP Bhawan, New Delhi. ..Applicant

(By Advocate: Shri H K Bajpayee for Ms. Meenu Mainee)

Versus

Union of India through

1. Secretary, Ministry of Urban Development
Nirman Bhawan, New Delhi.
2. Chief Engineer (NDZ-1)
CPWD, Nirman Bhawan
New Delhi.
3. Superintendent Engineer, DCC-IV
CPWD, I.P. Bhawan
New Delhi. ...Respondents

(By Advocate: Shri Ashok Kumar)

O R D E R (ORAL)

The applicant was issued charge memo dated 30.05.2011. The charge was that he along with other Junior Engineers entered in to the office chamber of Shri Prabhakar Singh, Superintending Engineer (E) and started talking in a loud voice, started abusing and threatening for pressing their demand of withdrawal of suspension order of one Shri S P Pandey, Junior Engineer. Another charge was that when Shri Prabhakar Singh

tried to go out from the room for his safety, the applicant stopped him and locked him inside the room and kept him confined resulting in his physical and mental torture. The applicant submitted his response on 30.06.2011, the gist of which is that he denied all allegations and in fact stated that they had entered the room of Shri Prabhakar Singh on the invitation of Shri Singh himself and all discussions took place in a congenial manner. The Disciplinary Authority passed its order dated 09.01.2012 and considered the fact that Shri Prabhakar Singh in his letter dated 13.05.2011 addressed to the Commissioner of Police had stated that the applicant contacted him on his mobile at about 1.10 p.m. asking him why he had suspended Shri S.P. Pandey, JE(E) and sought appointment with Shri Prabhakar Singh to discuss about it. The respondents have also filed a copy of the letter dated 25.05.2011 written by Shri Prabhakar to Shri Anand Kumar, Delhi Central Electrical Circle-IV, CPWD regarding threat, intimidation, harassment, coercion and confinement by Junior Engineers/JE Association, where he has made specific allegation about his being abused and threatened and locked up in his room by the applicant and his cohorts. An FIR was also lodged on 20.05.2011 under Section 341, 342, 506 and 34 of IPC.

2. The ground on which the Original Application has been filed are as follows:-

- (1) that the charges are false baseless and mala fide;

- (2) secondly, the detailed submissions made by the applicant against the charge sheet have not been analyzed by the Disciplinary Authority.
- (3) thirdly the Disciplinary Authority had relied upon statement of some witnesses who have not been examined.

3. I have gone through the complaint filed by Shri Prabhakar Singh, explanation of the applicant and the order of the Disciplinary Authority. The Disciplinary Authority has considered the explanation given by the applicant and, on the basis of the complaint of Shri Prabhakar Singh and other evidences, came to the conclusion that the applicant is indeed guilty of the charges leveled against him. The applicant has not been able to establish on what ground he is claiming that the charges are false and baseless. Moreover, it is incorrect to state that the Disciplinary Authority has passed his order without any application of mind. The Disciplinary Authority has gone into the details in the explanation that has been filed by the applicant and considered all the facts before coming to the conclusion that the applicant is guilty of the charges. In fact, in my opinion, he has been rather lenient with the applicant by imposing a minor penalty of 'Censure' despite the fact that this was an act of gross indiscipline. OA is, therefore, dismissed. No costs.

(P.K. Basu)
Member (A)

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