

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 100/3304/2012

New Delhi, this the 7th day of August, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Shri Ashok Kumar Sharma
Son of Shri R.N. Sharma
Aged 50 years
Superintending Engineer (Planning)
Office of the Chief Engineer
NZ-I, CPWD, Kendriya Sadan,
Sector-9, ChandigarhApplicant

(Through Shri Piyush Gaur, Advocate)

Versus

1. Union of India through Secretary,
Ministry of Urban Development (AV Unit)
Nirman Bhawan, New Delhi
2. The Director General Works, CPWD
Nirman Bhawan, New Delhi-110108Respondents

(None appeared)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant was working as Executive Engineer in the CPWD at Shimla between 1992 and 1999. A charge memo dated 26.04.2005 was issued to him alleging that he committed certain irregularities in the context of finalization of tenders. Five

Articles of Charge were framed. The applicant submitted his explanation and not satisfied with the same, an Inquiry Officer (IO) was appointed. The IO submitted his report on 27.12.2006 holding Article-I as partly established; Article-II – not proved; Article-III - not proved because the applicant shared limited responsibility in that context; Article-IV – partly proved; and finding on Article-V goes along with Article-III.

2. The disciplinary authority was not satisfied with the report of the IO, particularly the finding on Article-I. Therefore, he issued a Show Cause Notice dated 1.09.2008 requiring the applicant to explain as to why all the charges mentioned in the memorandum shall not be treated as proved. The applicant submitted his representation. Taking the same into account, the disciplinary authority passed the order dated 2.06.2010 imposing the punishment of reduction by two stages in the time scale of pay for a period of two years with further direction that he will not earn increments of pay during the period of such reduction and on expiry of the period, the reduction will have the effect of postponing the future increments of his pay. The said order is challenged in this OA.

3. The respondents filed a detailed counter. It is stated that the findings of the IO are contrary to the material on record and obviously for that reason, the disciplinary authority issued a Show Cause Notice proposing to differ with the findings. It is

also stated that the punishment imposed on the employee is too meager, compared to the gravity of the charges framed against him.

4. The charges pertain to the period 1992 to 1999. Show Cause Notice itself was issued nearly six years thereafter in 2005. After considering the explanation submitted by the applicant and the material on record, the IO virtually exonerated the applicant from all the charges. However, some observation was made to the effect that the applicant should have been little more careful. It was no doubt competent for the disciplinary authority to differ with the finding. However, certain salient features cited in the inquiry report were not dealt with by the disciplinary authority, while passing the order of punishment.

5. Be that as it may, the punishment though stated to be meager, the severe impact thereof is felt by the applicant in terms of retirement benefits. The wording of the punishment makes it one with cumulative effect. Having regard to the fact that the charges were, to a large extent held as not proved, we are of the view that the punishment can be modified to the one, without cumulative effect.

6. We, therefore, modify the punishment to the extent that reduction of pay scale will not have the effect of postponing

future increments of pay. The OA is partly allowed, to the extent indicated above. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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