

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00487/2015

Dated Wednesday the 1st day of August Two Thousand Eighteen

PRESENT

**HON'BLE MR. R. RAMANUJAM, Member (A)
&
HON'BLE MR. P. MADHAVAN, Member (J)**

G.Veda Manickam,
Social Security Assistant,
Employees Provident Fund Organisation,
Regional Office, Madurai.Applicant

By Advocate M/s. G. Thalaimutharasu

Vs

- 1.The Additional Central PF Commissioner (TN & KR),
Employees Provident Fund Organisation,
Zonal Office,
No. 37, Royapettah High Road,
Chennai 600014.
- 2.The Regional PF Commissioner,
Employees Provident Fund Organisation,
Regional Office,
Bhavishya Nidhi Bhavan,
Lady Doak College Road, Madurai 625002.
- 3.The Regional PF Commissioner II,
Employees Provident Fund Organisation,
Regional Office,
Bhavishya Nidhi Bhavan,
Lady Doak College Road, Madurai 625002.Respondents

By Advocate Mr. M. T. Arunan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief :

"To call for the records on the file of the 2nd, 1st and 3rd respondents in connection with the impugned orders passed by them in their proceedings in (i) TN/RO/MDU/ADM-II/A8/F-230/2010, (ii) ZO/ACC(TN & KR)/Vig/Appeal/30/2012/1974 and (iii) TN/RO/MDU/ADM-I/A2(113)/G.V/2014 dated 21.06.2010, 29.03.2012 and 14.10.2014 respectively and quash all and consequently direct the respondents to promote the applicant in the post of Social Security Assistant with effect from 21.11.2005 and pay all service and monetary benefits within the time limit that may be stipulated by this Hon'ble Tribunal and pass such further order/orders as this Hon'ble Tribunal may deem fit and proper and thus render justice."

2. It is submitted that the applicant was placed under suspension on 05.07.2002. Charge Memo was issued against the applicant on 07.01.2003 for alleged intimacy with a woman with a false promise to marry her. Criminal case ended on 07.02.2008 in acquittal of the applicant based on benefit of doubt in his favour. In the departmental enquiry, the charge was held partly proved. A punishment of censure was imposed on 21.06.2010. The 1st respondent passed order on 27.04.2011 treating the suspension period as duty whereas initially, the suspension period was treated as leave vide order dt. 15.09.2010. Promotion was granted to the applicant on 11.01.2012 as a Social

Security Assistant. A representation was submitted to the respondents on 20.03.2012 to grant promotion to the post of Social Security Assistant from 'due date' ie., 25.11.2005 and the same was rejected by the respondents on 29.03.2012. The applicant again submitted representations on 30.11.2012 and 18.10.2013 to advance his date of promotion to 25.11.2005 in the light of the Hon'ble High Court of Madras order in WA(MD) 315/2015 dt. 27.04.2011. However, the respondents rejected his representation. Hence, the applicant has filed this OA.

3. The respondents have defended the action taken by them, submitting that an inquiry was conducted at the end of which the competent authority arrived at the conclusion that the charge against the official was proved to the extent that by his acts which were unbecoming of a Government Servant, he caused himself to be arrested by police and thereby caused embarrassment to the organisation. It is submitted that the procedure laid down under the rules was meticulously followed by the inquiry officer and that the applicant had been granted due opportunity to defend his case at every stage. Accordingly, there is no merit in the OA, it is contended.

4. We have carefully considered the facts of the case. It is not in dispute that the inquiry was conducted against the applicant through due process at the end of which the respondents concluded that it had

caused avoidable embarrassment to the institution and deemed it fit to award the penalty of censure. As such penalty could not be said to be disproportionate to the gravity of the charge proved against the applicant, we are not inclined to interfere in the matter.

5. OA is dismissed. No costs.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

01.08.2018

SKSI