

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BENGALURU**

**ORIGINAL APPLICATION NO.170/000525/2017**

**DATED THIS THE 24<sup>TH</sup> DAY OF OCTOBER, 2018**

**HON'BLE DR.K.B.SURESH  
HON'BLE SHRI DINESH SHARMA**

**...MEMBER(J)  
...MEMBER(A)**

Dr K. Mathivanan,  
Aged about 51 years,  
S/o V. Krishnaraj,  
Ex. Farm Superintendent,  
Central Cattle Breeding Farm,  
Hessarghatta, Bangalore-88.  
Residing at Lingarajapura,  
Bangalore-560005.

**...Applicant**

(By Advocate Shri B. Venkateshan)

Vs.

1. Union of India  
Rep. by its Secretary,  
Ministry of Agriculture,  
Department of Animal Husbandry, Dairying & Fisheries,  
Krishi Bhavan,  
New Delhi – 110 001.
2. The Joint Secretary,  
Cattle and Dairy Development (CDD),  
Department of Animal Husbandry, Dairying & Fisheries,  
Krishi Bhavan,  
New Delhi – 110.
3. Joint Commissioner,  
Cattle Breeding Farm (CBF),  
Department of Animal Husbandry, Dairying & Fisheries,  
Krishi Bhavan,  
New Delhi – 110.

**...Respondents**

(By Standing Counsel Shri Vishnu Bhat for Respondents)

**ORDER (ORAL)****HON'BLE DR.K.B.SURESH                      ...MEMBER(J)**

Heard. This is a curious case in which most of the grounds alleged in the OA are correct. The applicant was given permission to pursue higher studies and for some reason or the other he could not go to Rajasthan University and instead secured admission in another University. This is now taken as one ground to prosecute him. Whether he goes to Rajasthan University or Madhya Pradesh University is not the concern of the respondents. They had already granted him permission to secure higher qualification. Therefore they could not have recalled him. But they recalled him and he re-joined duty. But we find that in Article 4 of the charge is that the applicant was called for a personal hearing vide office letter dated 24.11.2006 and 19.12.2006. In reply, the applicant sent an Email dated 27.12.2006, requesting for Travelling Allowance being Rs.3000/- to meet the competent authority in the Ministry. We queried the learned counsel for the applicant. He would say that the applicant had no money with him and therefore he had asked the Joint Secretary to give him money in advance to his Bank Account, so that he can draw it through his ATM card. This is nothing but arrogance and dis-obedience to the jurisdiction of the Superior Officer. Under the rules, if he is called for an interview by the Superior Officer, he is eligible for travelling allowance and that he can claim in the normal course from his office and not from the Joint Secretary, who had summoned him. Therefore, it cannot be said that the applicant is blemishless and a punishment seems to have been

issued on him which is of reduction in pay by one stage. That punishment in our humble opinion seems to coincide with the infraction, which is admitted.

2. Therefore, we hold that there is no merit in the OA. Dismissed. No costs.

(DINESH SHARMA)  
MEMBER(A)

(DR.K.B.SURESH)  
MEMBER(J)

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**Annexures referred to by the Applicant in OA No.170/00525/2016**

1. Annexure A1 : Copy of Applicant's representation dated 11.8.2006.
2. Annexure A2 : Copy of OM.No.F.11-3/99-Admn III dated 6.11.2006.
3. Annexure A3 : Copy of Applicant's representation dated 3.10.2006.
4. Annexure A4 : Copy of OM.No.F.11-3/99-Admn III dated 6.11.2006.
5. Annexure A5 : Copy of CAT BG Order dated 21.12.2006 in OA.291/06.
6. Annexure A6 : Copy of OM.No.F.11-3/99-Admn III dated 26.2.2007.
7. Annexure A7 : Copy of Applicant's representation dated 14.3.2007.
8. Annexure A8 : Copy of OM.No.F.11-3/99-Admn III dated 19.3.2007.
9. Annexure A9 : Copy of OM.No.F.11-3/99-Admn III dated 31.5.2007.
10. Annexure A10 : Copy of OM.No.F.11-3/99-Admn III dated 8.11.2007.
11. Annexure A11 : Copy of OM.No.F.11-3/99-Admn III dated 00.00.07.
12. Annexure A12 : Copy of order dated 18.9.2009 in OA.70/2008.
13. Annexure A13 : Copy of Lr. No.10-2/2008 Admn.III dated 18.11.2009.
14. Annexure A14 : Copy of Applicant's representation dated 23.11.2009.
15. Annexure A15 : Copy of Applicant's representation dated 14.6.2010.
16. Annexure A16 : Copy of OM.No.10-2/2008-Admn III dated 18.5.2010
17. Annexure A17 : Copy of OM.No.10-2/2008-Admn III dated 25.2.2013
18. Annexure A18 : Copy of applicant's representation dated 20.3.2013.
19. Annexure A19 : Copy of OM.No.10-2/2008-Admn III dated 15.10.2013
20. Annexure A20 : Copy of OM.No.10-2/2008-Admn III dated 1.9.2015
21. Annexure A21 : Copy of OM.No.10-2/2008-Admn III dated 1.9.2015

**Annexures referred to by the respondents**

1. Annexure R1-R5 : Copies of the notices.
2. Annexure R6 : Copy of the Admission of the Applicant.
3. Annexure R7& 8 : Copies of the research project.
4. Annexure R9 : Copy of the order dated 31.5.2007.
5. Annexure R10 : Copy of the CCS (CCA) Rule 1965.
6. Annexure R11-13 : Copy of the Disciplinary proceedings.
7. Annexure R14 : Copy of the CCS (Conduct) Rule 1964.
8. Annexure R15 : Copy of the Admn III dated 1.9.2015.
9. Annexure R16 : Copy of the Principal Director Report General Report.
10. Annexure R17 : Copy of the Principal Director Office Report.
11. Annexure A18 : Copy of the periodical increment certificate.

**Annexures referred to by the applicant in the rejoinder**

1. Annexure RA1 : Lr. No. UDZ: NKL dated 8.11.2006.
2. Annexure RA2 : Applicant's representation dated 11.12.2006.
3. Annexure RA3 : Applicant's representation dated 27.12.2006.
4. Annexure RA4 : Lr. No.1-15/09-HF dated 07.12.09.
5. Annexure RA5 : Applicant's representation dated 10.4.2007.
6. Annexure RA6 : Applicant's representation dated 05.10.2009.
7. Annexure RA7 : Applicant's representation dated 6.6.2010.
8. Annexure RA8 : Applicant's representation dated 15.12.2011.
9. Annexure RA9 : Applicant's representation dated 8.3.2012.
10. Annexure RA10 : Applicant's representation dated 17.02.2013.
11. Annexure RA11 : Lr. dated 10.8.2006 from PhD Guide of Rajasthan University.

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