

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00109/2019

Dated Monday the 4th day of February Two Thousand Nineteen

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

B.Venkataraman,
59/B, 7th Cross Street, Banu Nagar,
Ambattur, Chennai 600053.Applicant

By Advocate M/s. A. Lakshminarasimhan

Vs

1.Union of India,
rep by the Secretary,
Department of Defence,
R and D and DGO, DRDO,
No. 531, B” Block, DRDO Bhawan,
Rajaji Marg, New Delhi 110011.

2.The Director,
Combat Vehicles RES & DEV, Estt,
Avadi, Chennai 600054.

3.The Chairman, DRGO & Secretary DD (R&D),
Defence Res & Dev. Orgn. Directorate of Personnel,
A Block, DRDO Bhawan, New Delhi 110011.Respondents

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following relief :

"To call for the records pertaining to the order of the 3rd respondent in his proceedings number DOP/AA-2/103167/CVRDE dated 5th April 2018, and quash the same and consequently direct the respondent to reinstate the applicant Shri. B. Venkataraman with full back wages from the date of the removal of service and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice"

2. The applicant is aggrieved that he has been imposed with a penalty of removal from service for an alleged embezzlement of funds by Annexure A3 order of the Disciplinary Authority dt. 15.12.2017. The applicant had filed an appeal thereagainst which had been rejected by Annexure A11 order dt. 05.04.2018. Aggrieved by the two orders, the applicant is before this Tribunal.

3. Learned counsel for applicant would submit that the applicant could not have embezzled the funds as he was not the cashier but was only a clerk. His duty was only to verify the amount passed by the audit officers based on the cheque slip. Thereafter the cheque was issued by a senior officer. He was no way connected with or responsible for the online transmission. His senior alone was responsible for embezzlement as the applicant was not even informed of the password required for the requisite online transaction. Accordingly, the punishment of removal from service was excessive and is, therefore, liable to be set aside.

4. On perusal, it is seen that the appellate authority has adequately dealt with the points raised by the applicant in their order dt. 05.04.2018 wherein they had

taken note of the aforesaid plea. However, it has been noted therein that the applicant alleged that he was forced to concede the charge by the superior official as he was threatened with criminal action. He was made to pay for the loss with an assurance that he would be reinstated to the same position. The applicant had, by a letter dt. 13.01.2014 had himself admitted that he had embezzled funds. The applicant had also returned the amount in three installments. In his reply dt. 07.02.2014 to the charge memo dated 20.01.2014, the appellant had stated that he had deposited the money back and that he had realized his mistake of transferring money from Government account to his personal account due to compulsive family circumstances. Even then, an inquiry was held and he accepted the charges again in the inquiry.

5. It was further observed that seven inquiry proceedings were conducted from 02.04.2014 to 22.05.2014 in the presence of the applicant and copies of all the daily order sheets were provided to him. After receipt of report from the inquiry authority, he was again given an opportunity to represent. However, by representation dt. 30.07.2014, the applicant again submitted that he had realised his mistake from transferring money from Government account to personal account. The submission of the applicant that he was under pressure from senior officials was only an afterthought without any supporting documents or evidence.

6. In the aforesaid background of the case and in the absence of any allegation that the applicant was not provided with adequate opportunity to

defend himself, this OA is not liable to be admitted. Given the nature of the misconduct, it is also not possible to contend that the penalty is grossly disproportionate to the gravity of the misconduct or one that would shock the conscience of the Court.

7. OA is devoid of merits and is dismissed.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

04.02.2019

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