

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A./100/3130/2013

New Delhi, this the 25th day of April, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Shri Udaivir Singh aged 46 years
S/o Shri Ishwar Singh,
Presently working as Farm Field Technician (FFT)
In Gp `B' Non-Gazetted Cadre (T-II-4) grade in
Central Potato Research Institute
Campus Modipuram Meerut under Indian
Council of Agricultural Research, Krishi Bhawan,
New Delhi Ministry of Agriculture, New Delhi
R/o CH-148, Pallav Puram, Phase-I
Meerut-250110 (U.P.)
 2. Shri Krishan Pal Singh aged about 49 years
S/o Late Shri Ratan Singh
Working as T-II-3 FFT
(Farm Field Technician in Gp `C' grade in CPRI
Campus Modipuram Under Council of Agricultural
Research, Krishi Bhawan, New Delhi
Ministry of Agriculture, New Delhi
R/o 33, Shiv Nagar, Modipuram
Meerut-250110 (U.P.)
- ...Applicants

(Through Shri V.P.S. Tyagi, Advocate)

Versus

1. The Union of India
Through its Secretary,
Indian Council of Agricultural Research
Ministry of Agriculture
Krishi Bhawan,
New Delhi-110114
2. The Director
Central Potato Research Institute

(CPRI),
Simla (HP)-171001

3. The Joint Director
Central Potato Research Institute,
(CPRI)
Campus Modi Puram
Meerut-250110 (U.P.) ... Respondents

(Through Shri S.K. Gupta with Shri Vikram Singh,
Advocates)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicants were working as Farm Field Technician (FFT) in the Central Potato Research Institute (CPRI), Modipuram, Meerut. Both of them figured as witnesses in a complaint submitted by one Shri M.L. Bharti, Driver, against the AAO Shri A.D. Sharma. It was alleged that Shri Sharma was demanding illegal gratification for clearing the medical bills. The complaint was inquired into by a Committee and the applicants herein, the complainant Shri M.L. Bharti and other witnesses were examined. The report was submitted on 2.11.2008, stating that in the course of the inquiry, the applicants have stated something against the AAO which was not even found in the complaint. On that basis, they were issued a minor penalty charge memo dated

6.01.2009. On consideration of the explanation submitted by the applicants, the Disciplinary Authority (DA) passed order dated 3.06.2009, imposing the penalty of withholding of one increment of pay for two years without cumulative effect. Aggrieved by that, the applicants filed appeal. The same was rejected through order dated 14.03.2013. Hence this OA.

2. The respondents filed detailed counter affidavit opposing the OA.

3. We heard Shri V.P.S. Tyagi, for the applicant and Shri S.K. Gupta, for the respondents.

4. The allegation against the applicants is that they figured as witnesses in a complaint submitted by Shri Bharti and in the course of the inquiry into the complaint, they stated much more than what was contained in the complaint. The findings of the Committee in so far as they relate to the applicants read as under:

- “2. Witnesses Sh.Udaivir Singh and Sh. KP Singh have not specified any casteist remark in their letter dated 24.09.2008 (p 3) whereas in their statements during the enquiry they repeatedly said that the word “Chamar” was used.

3. According to the statements given to the enquiry committee by the witnesses S. Udaivir Singh and Sh. KP Singh, there was a heated exchange of arguments (Gali-Galoch) between Sh. Munna Lal Bharti and Sh. AD Sharma, whereas Sh. Munna Lal Bharti in his complaint as well as statement to the enquiry committee, has not mentioned about any heated arguments with Sh. AD Sharma.
4. According to the letters addressed to the Joint Director by Sh. Udaivir Singh and Sh. KP Singh on 24.09.2008, everything happened in their presence (Samaksh) but in the statements given to the enquiry committee both of them along with Sh. Munna Lal Bharti stated that Sh. AD Sharma made the casteist remarks by calling Sh. Munna Lal alone to his room.
5. Sh. Surinder Singh told the enquiry committee that if heated arguments take place in Sh. AD Sharma's room, he can probably hear them (awaz kam hi aati hai) and he did not hear any such arguments on 24.09.2008 between 11 and 12 AM.
6. Apart from Sh. Udaivir Singh and Sh. KP Singh, no one else heard Sh. AD Sharma using casteist remarks against Sh. Munna Lal Bharti on that date and time.

xxxx xxxx xxxx xxxx

9. Sh. Munna Lal Bharti, Sh. Udaivir Singh and Sh. KP Singh had some problems with Sh. AD Sharma related to their medical bills as is clear from the complaints of all three lodged to the Joint Director on 24.9.2008 (Page No. 27, 28, 29). This has been stated by Sh. AD Sharma in his statement to the enquiry committee."

5. Once this was noticed, the DA issued the charge memo. Since what was alleged against the applicants was borne out by the record, the DA imposed the minor punishment. On expiry of two years, the effect thereof has ceased.

6. The applicants are not able to point out as to what illegality has taken place in the disciplinary proceedings. The Appellate Authority (AA) also did not find it appropriate to interfere and rejected the same.

7. We do not find any ground to interfere with the impugned order. Accordingly, the OA is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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