

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3559/2014

Thursday, this the 4th day of July 2019

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

Mrs. Neera Rani, age 47 years
w/o Sh. Arun Aggarwal
Deptt. of Joint Cipher Bureau
Metcalf House Complex
M G Road, Delhi

..Applicant

(Mr. Padma Kumar S, Advocate)

Versus

1. Union of India through Secretary
Ministry of Defence
South Block, DHQ PO
New Delhi – 110 011
2. Director, Joint Cipher Bureau
Metcalf House Complex
M G Road, Delhi
3. Joint Secretary & Chief Administrative Officer
Ministry of Defence
E Block, DHQ PO, New Delhi – 110 011
4. Secretary, Deptt. of Defence (R&D)
Ministry of Defence
DRDO Bhawan,
New Delhi – 110 011

..Respondents

(Mr. A K Singh, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Programmer in the Joint Cipher Bureau (JCB), Ministry of Defence. A charge memo was

issued to her on 04.11.2011 alleging that she reported late to the office on 206 occasions between January, 2010 and July, 2011, and left the office early on 27 occasions. Another allegation was that she refused to receive and accept the show cause notice issued in this behalf. The applicant denied the allegations against her by submitting explanation. Not satisfied with the same, the disciplinary authority appointed an inquiry officer, who submitted his report dated 04.07.2012. Article I of the charge was held as 'proved' and article II as 'not approved' due to lack of evidence. Taking the same into account, the disciplinary authority passed an order dated 02.01.2013, imposing the penalty of withholding of increment of pay for a period of one year w.e.f. 01.07.2013. An appeal preferred by the applicant was rejected through an order dated 31.03.2014. Hence, this O.A.

2. The applicant contends that she produced the relevant data in the inquiry, to prove her plea that the recording of data by the biometric machine installed in the office is not correct, and without verifying the further details, the inquiry officer recorded a finding against her. It is stated that the biometric machine has also wrongly recorded the data, in respect of several employees. Other grounds are also pleaded.

3. The respondents filed counter affidavit opposing the O.A. It is stated that the applicant attended the office beyond the

stipulated time on more than 200 occasions and left the office before time, on 27 occasions, and that the same amounts to misconduct. It is stated that though the applicant has stated that the machine was not functioning properly, she did not substantiate the same by producing any reliable material in the course of inquiry.

4. We heard Mr. Padma Kumar S, learned counsel for applicant and Mr. A K Singh, learned counsel for respondents, at length.

5. The first article of charge reads as under:-

“Article-I

Smt Neera Rani, while working as ‘Programmer’ in JCB from 01 Jan 2010 to 31 July 2011, arrived late in office on 206 occasions and left the office before the scheduled duty hours on 27 occasions, without obtaining prior permission or intimation to the Competent Authority. She was given advisory note on two occasions dated 16 April & 26 Aug 2010.

By her above conduct, she has shown lack of devotion to duty and depicted conduct unbecoming of a Government servant, thereby violating Rule 3 (1) (i) and (ii) of CCS (Conduct) Rules, 1964.”

6. Though the second charge is with reference to alleged refusal to receive the show cause notice, the inquiry officer held the same as ‘not proved’ and we do not feel it necessary to extract the same. The applicant was alleged to have arrived the

office, beyond the stipulated time, on 206 occasions between January 2010 and July 2011, and left the office before the scheduled duty hours on 27 occasions. If this is true, it clearly amounts to an act of misconduct.

7. The only plea raised by the applicant was that the reading of the biometric machine was not accurate. If that was so, the applicant ought to have placed the relevant technical data or filed an opinion of the expert. Another aspect is that if in January 2010 the applicant found the recording of biometric machine as inaccurate, she was supposed to complain the same. It was open to her to sign the register with the timing in the presence of a responsible officer and then compare it to the data generated in the biometric machine. The applicant did not do either of these things and she has simply stated that the recorded data is not accurate.

8. The applicant has also gathered the particulars of as many as 14 employees, as recorded by the biometric machine. It is stated that they were not accurate. The curious part of it is that none of those employees has any grievance with it and did not dispute the accuracy of the biometric machine. It is not for the applicant to dispute the same.

9. We, therefore, do not find any reason to discredit the inquiry report. The punishment imposed upon the applicant is

the minimum. We do not find any merit in this O.A. It is accordingly dismissed.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 4, 2019
/sunil/