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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1547/2001

New Delhi this the 3rd day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

C.S.Chandna,
R/O 461, New Gobindpuri,
Kanker Khera,
Meerut (UP).

... Applicant

(By Mrs. Rani Chhabra, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
South Block, New Delhi.
2. Finance Advisor (Defence Services),
Finance Division,
Govt. of India, Ministry of Defence,
South Block, New Delhi. ... Respondents

O R D E R (ORAL)

Shri S.A.T.Rizvi, Member (A):-

On the charge of negligence in the performance of official duties which resulted in financial loss of Rs.2.80 lakhs to the Government arising from payment of fake bills, the applicant has been tried departmentally and a penalty of compulsory retirement from service with a 10% cut in pension for a period of five years and a 10% cut in gratuity has been imposed on him by the order dated 22.7.2000 passed by the disciplinary authority. On the matter being agitated before it, the appellate authority has rejected the appeal by its order of 18.1.2001. Both these orders have been impugned in the present OA.

2. The learned counsel appearing in support of the OA submits that though the matter was investigated

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by the CBI which found that criminal prosecution could not be launched against the applicant, the disciplinary authority has imposed a major penalty which is disproportionate to the misconduct for which the applicant has been tried. She has, in particular, emphasised that the CBI in their findings did not reach the conclusion that the integrity of the applicant could be held in doubt, and in this view of the matter, according to her, the quantum of punishment imposed is excessive.

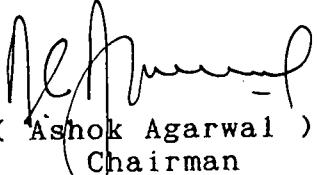
3. We have gone through the matter and have, with the help of the learned counsel, seen the report of the enquiry officer. Three out of the five charges levelled against the applicant had been held proved and one partially proved; the fifth charge relating to integrity was not found proved by the enquiry officer. The disciplinary authority, however, differed from the findings of the enquiry officer and accordingly a notice was served on the applicant, as required under rules. The disciplinary proceedings, we find, have been conducted in a proper manner and in accordance with the procedure laid down for the purpose. Adequate and full opportunity was afforded to the applicant to defend himself at all stages. The order passed by the disciplinary authority is a reasoned and speaking order and so is the order passed by the appellate authority. The only question that remains to be looked into is with regard to the quantum of punishment.

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4. The learned counsel has tried to argue that the quantum of punishment is excessive and not in proportion to the act of misconduct. We have, after consideration, come to the conclusion, on the other hand, that the charge of negligence which resulted in pecuniary loss to the Government has been fully brought home, and that being so, we cannot find any fault with the order passed by the disciplinary authority compulsorily retiring the applicant and alongside imposing a cut of 10% on pension for a period of five years and 10% cut on gratuity. Besides, after the disciplinary authority has passed an order with regard to the quantum of punishment after a proper appreciation of the evidence on record, it is not for us to interfere with the same. This Tribunal is not expected to sit in judgment over the quantum of punishment unless the quantum of punishment imposed is so much out of proportion to the charges established as to shock our conscience. That does not seem to be the case in the present OA.

5. For the reasons set out in the preceding paragraphs, we find that the present OA does not disclose any grievance calling for interference by this Tribunal. The same is, therefore, summarily rejected.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/as/