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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2216/98

New Delhi, this the 99th day of September, 2000.

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

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

Mrs. Roseline Palta, W/O Sh. Ravi Kumar Palta, Aged about 48 years, Resident of 326, Type-II, Krishi Kunj, Inderpuri, New Delhi-12.

And employed as:-

Assistant in the Office of Indian Agricultural Research Institute, Pusa, New Delhi-12.

(By Advocate:- Sh. B.B.Raval)

...Applicant.

VERSUS

1. Indian Council of Agricultural Research through the Secretary, Krishi Bhawan, New Delhi-1.

2. The Director, Indian Agricultural Research Institute, Pusa, New Delhi-12.

(By Advocates: Sh. V.K.Rao & Ms. Geetanjali Goel)Respondents.

O R D E R

By Hon'ble Mr. S.A.T.Rizvi, Member (A):-

Impugned in this OA are the orders dated 30.5.98 and dated 26.8.98 passed respectively by the disciplinary authority and the appellate authority. The applicant has been punished with withholding of three increments of pay for a period of three years without cumulative effect and this decision has been upheld by the appellate authority. The facts of the case in brief are that the applicant was found absent during surprise checks conducted by the respondents on several occasions, and that on one occasion, the applicant is alleged to have falsified the record of attendance. Based on these allegations and noting that the applicant has not improved in her performance regarding punctuality, the respondents have,

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after conducting disciplinary proceedings for minor penalty, punished her in the manner stated above.

2. We have heard the learned counsel for both the parties and have perused the material on record.

3. We find that although the applicant has successfully attempted part justification of her absence during surprise checks referred to, she has also in part admitted that on five occasions she remained absent, although her absence on these five occasions too was caused by genuine considerations of her personal needs.

We have carefully considered the matter in relation to the said specific charge and also in respect of the other charge of falsification of record of attendance. The charge of absence is no doubt partly proved although it is difficult to conclude that the absence of the applicant was on grounds different from the grounds mentioned by her. The evidence in respect of other charge is, according to our view, not conclusive in nature and the charge is not clearly established.

4. We have seen the reply to the OA furnished by the respondents and find that there were a few instances in which the applicant was adversely judged by the respondents way back in 1970s. The last punishment enumerated by the respondents is dated 1.9.78. It was a penalty of censure and the charge was dereliction of duty. Since then her performance seems to have been satisfactory inasmuch as no action appears to have been taken against her right up to 1997 beginning, and as

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already stated, the allegations against her contained in the charge memo have been only partially proved. The part of the charge that has been proved does not, according to us, show her in a very bad light from the point of view of requirement of normal discipline in an office. We have found it necessary to dwell on the past performance of the applicant as above keeping in mind the issue of proportionality of punishment raised by the learned counsel for the applicant, and would prefer to leave it to the appellate authority to consider the matter regarding the quantum of punishment at the appropriate time.

4. Our attention was specially drawn to the order passed by the appellate authority. We can clearly see that it is not a speaking order and it also does not seek to answer the various issues raised by the applicant in her written appeal. The appellate order further does not seek to answer satisfactorily and adequately the points raised by the appellate authority itself right in the beginning of the order dated 26.8.98. The learned counsel for the applicant also raised the issue of the appellate authority's order having been signed by the disciplinary authority "For and on behalf of Director". Learned counsel for the applicant has not placed before us any rules or instructions or relevant judicial decisions laying down the requirement of signatures in such cases by the appellate authority itself. We are nevertheless left with a feeling that if the appellate authority had the time to consider and approve the course of action reflected in the order dated 26.8.98, it would

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