

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(2)

O.A. NO. 390/1998

New Delhi this the 3rd day of March, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Shri Prafulla Kumar
S/o Late Shri B. B. Shrivastava,
R/o 19, East Guru Angad Nagar,
Road No.1, Patparganj,
Delhi;

... Applicant

(By Shri P. T. S. Murthy, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of Labour,
Shram Shakti Bhawan,
Rafi Marg, New Delhi.
2. The Chief Labour Commissioner,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi.
3. Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

Heard the learned counsel for applicant on
admission.

2. Earlier, applicant was removed from service
after holding a disciplinary enquiry against him.
That order was challenged in the Tribunal and
thereafter the matter went to the Supreme Court. The
Supreme Court remanded the matter to the Tribunal for
re-consideration. The Tribunal thereafter directed

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the appellate authority to decide the pending appeal of applicant against the order of removal from service. In appeal, the disciplinary authority passed the impugned order altering the penalty of removal into that of compulsory retirement.

3. -By this application, applicant wants a direction to respondents to take a further lenient view in the matter of penalty looking into the nature and gravity of the misconduct alleged against him. We are of the view that applicant has definitely got a relief from the appellate authority in so far as the penalty is concerned. Misconduct having been found proved, this Tribunal has no jurisdiction to say as to whether the penalty imposed is commensurate with the proved misconduct or not. Once the misconduct is proved, we have no alternative but to uphold the penalty imposed by the authorities on the basis of the materials before them.

4. Under the circumstances, we find no case for interference. Accordingly, this O.A. is hereby summarily dismissed.

K. M. Agarwal

(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

/as/