

Central Administrative Tribunal, Principal Bench

Original Application No. 81 of 1998

New Delhi, this the 29th day of June, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)  
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Roshan Lal, TGT G.B.M. School, Gandhi  
Nagar, Delhi-31 - Applicant

(By Advocate - None)

Versus

1. Govt. of NCT of Delhi, through  
its Chief Secretary,  
5, Sham Nath Marg, Delhi-6
2. The Secretary (Education)  
Govt. of NCT of Delhi, Old Secretariat, Delhi
3. The Director of Education  
Govt. of NCT of Delhi, Old Secretariat, Delhi
4. Vivekananda Rock Memorial and  
Vivekananda Kendra, Vivekanandapuram  
Kanyakumari-629702 (Tamil Nadu)  
through its Treasurer, - Respondents

(By Advocate - None)

O R D E R (ORAL)

By Hon'ble Mr. S.R. Adige, Vice Chairman(A)

1. Applicant impugns the disciplinary authority's order dated 25.1.96 (Annexure A-2) and appellate authority's order dated 21.1.97 (Annexure A-3).
2. Applicant was proceeded against departmentally on charge relating to the submission of bogus LTC claims in respect of journeys which he claimed to have performed along with his family from New Delhi to Kanyakumari and back in June, 1982. It was also alleged against him that he had resorted to making representations to various political parties to pressurise the officers of the Directorate for furtherance of his fake LTC claims.

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3. The Inquiry Officer in a report dated 12.11.1991 (Annexure A-1) held articles 1 and 2 of the charge relating to submission of false LTC claims as proved, but article 3 of the charge relating to attempt to pressurise the officers for furtherance of his claim was held as not proved.

4. The disciplinary authority passed an order on 25.1.96 imposing the penalty of censure upon applicant and directing him to deposit the amount of LTC along with penal interest within one month.

5. Aggrieved by the aforesaid order, applicant submitted an appeal upon which the appellate authority remanded the case back to the disciplinary authority to decide the same de novo and pass final orders only after furnishing a copy of the Inquiry Officer's report to applicant for representation if any, and considering the representation.

6. In compliance with the aforesaid orders of the appellate authority, a copy of the Inquiry Officer's report was made available to applicant on 31.12.93 for representation, if any. Applicant submitted his representation on 4.9.95 and after consideration of the same, the disciplinary authority by impugned order dated 25.1.96 imposed the penalty of censure upon applicant and also directed him to refund the amount taken by him as LTC advance, with penal interest as per rules. Applicant's appeal was rejected vide impugned order dated 21.1.97 against which the present OA has been filed.

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7. Ground (I) taken by applicant relates to delay in concluding the disciplinary proceedings but now that the proceedings have been concluded and penalty fixed, the question of revoking the same merely on the ground of delay does not arise, more so as applicant has failed to state how the delay, if any, prejudiced him in his defence. Hence this ground is rejected.

8. Grounds (II), (III) and (IV) relate to the reappraisal of evidence which is beyond the scope of this Tribunal. We are unable to hold that this is a case of no evidence. Hence these grounds are also rejected.

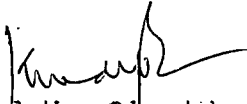
9. As regards ground No.(V), it is not correct to say that there was no application of mind afresh by respondent No.3 as a perusal of the disciplinary authority's order dated 25.1.96 itself reveals that after giving applicant an opportunity to represent against the Inquiry Officer's report, the same has been considered by the disciplinary authority while imposing the penalty of censure.

10. As regards ground No.(VI), it cannot be said that a lenient view has not been taken in this case. Indeed the charges against applicant of claiming false LTC were very serious and he has been only inflicted the penalty of censure which is indeed very mild.

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11. Ground No.(VII) also relates to the appreciation of evidence which is beyond the scope of the Tribunal as we have already hold that this is not a case of no evidence.

12. In the result, the OA warrants no interference and the same is dismissed. No costs.

  
(Kuldip Singh)  
Member(J)

  
(S.R. Adige)  
Vice Chairman(A)

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