

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.NO.277/99 in O.A.No.210/96

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 11th day of January, 2000

Jag Mohan Bhandari
s/o late Shri R.S.D.Bhandari
aged 52 years
r/o House No.7, T-Block
Shukker Bazar, Uttam Nagar
NEW DELHI - 110 059.

... Applicant

Vs.

1. Union of India through
the Secretary
Ministry of Defence
Govt. of India
South Block, DHQ PO
New Delhi - 110 011.
2. The JS (Trg.) & CAO
Ministry of Defence
South C-II Block
Dalhousie Road
DHQ PO
NEW DELHI - 110 011.
3. Shri H.M.Naik
S.C.S.O.
DGQA
Ministry of Defence
G-Block, DHQ PO
New Delhi - 110 011.

... Respondents

O R D E R (By Circulation)

By R.K.Ahooja, Member(A)

The review petitioner had come before this Tribunal against the order of the disciplinary authority imposing a punishment of stoppage of increments of pay for two years without cumulative effect. The allegation against the applicant related to the misplacing of certain documents including the cash register. One of the grounds for impugning the order of the disciplinary authority was that the Drawing and Disbursing Officer cum Vigilance Officer was prejudiced against the applicant as certain defects pointed out by the applicant in regard to the

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short comings by his predecessor involved the DDO himself. However, this contention of the applicant was rejected by the Tribunal in the impugned order. It was concluded by the Tribunal that since according to the respondents it was ultimately found that there was no short payments therefore there could not have been any reason for the Drawing & Disbursing Officer to feel threatened. In the RA the petitioner has sought to show that the finding of the Tribunal on this aspect was not correct as there actually had been shortage in regard to the disbursement by the previous cashier.

2. We do not consider that the submissions made by the Petitioner show that there is any patent error on the face of record in respect of the impugned order of the Tribunal. It was the conclusion of the Tribunal that there was no basis to allege malafide against the DDO cum Vigilance Officer. The material question before the Tribunal was not whether there was any shortages or irregularities committed by the previous cashier but whether there was any evidence before the disciplinary authority which could possible have lead to the applicant being found guilty. After considering the case, in Para 5 of the order the Tribunal came to the conclusion that there was material available before the disciplinary authority for its finding. It was on that basis that the OA was dismissed.

3. We might mention that it is not for the Tribunal to judge whether the conclusion of the disciplinary authority was right or wrong. It has to

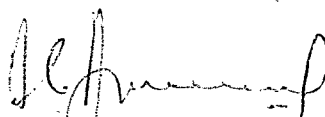
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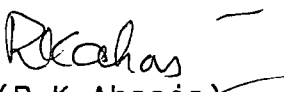
examine, in judicial review, the manner in which the disciplinary authority reaches its conclusion and to see whether there was any violation of statutory rules or of principles of natural justice. So long as the applicant had proper opportunity to produce his defence and so long as there was some material on the basis of which the finding of the disciplinary was possible, the Tribunal cannot interfere or act as an appellate court.

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4. In view of the above position, it is futile for the petitioner to ask us to go again into the evidence with a view to see whether the conclusion of the disciplinary authority was warranted on the basis of available evidence.

5. In the result, finding no merit in the RA, the same is hereby summarily dismissed.


(Ashok Agarwal)
Chairman


(R.K. Ahooja)
Member(A)

/rao/