

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

O.A.No.2385/94

New Delhi, this the 29th day of July,1999

HON'BLE MR.JUSTICE D.N.BARUAH,VICE CHAIRMAN
HON'BLE MR.N.SAHU, MEMBER(ADMNV)

Shri Jarnail Singh,T.G.T.(Punjabi)
Government Boys Senior Secondary School, No.II
B-Block, Janakpuri,
Delhi

....Applicant

(By Advocate:Mrs.Avnish Ahlawat)

Versus

1. Government of National Capital
Territory of Delhi,through
Chief Secretary,5,Alipur Road,
5,Sham Nath Marg,
Delhi-110054

2. Secretary(Education)
Government of National Capital
Territory of Delhi,5,Alipur Road,
5,Sham Nath Marg,
Delhi-110054

3. Director of Education
Government of National Capital
Territory of Delhi,Old Secretariat,
5,Sham Nath Marg,
Delhi-110054

....Respondents

(By Advocate: None)

O R D E R(ORAL)

BY BARUAH, J:-

The applicant was chargesheeted for submitting false claim of LTC. He submitted reply to the same denying the charge. Thereafter an inquiry was held. On conclusion of the inquiry, the Inquiry Officer found the applicant guilty and accordingly he submitted his report to the disciplinary authority. Disciplinary authority imposed the penalty of



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stoppage of one increment with cumulative effect for a period of three years and also ordered that the amount due from the applicant should be recovered with penal interest.

2. The facts are : the applicant applied for LTC advance to the Principal, Govt. Boys Senior Secondary School, B-Block, Janakpuri, Delhi. On the basis of his application, the Principal withdrew the money. However, the applicant did not take that money and, therefore, the Principal returned the amount by depositing the same. As there were several similar cases, a circular was issued asking those persons who submitted false claims without undertaking the journey, they should return the money with interest. Accordingly the persons who received the money in advance, returned the same with interest and they were awarded the penalty of 'censure'. On the other hand, the applicant who did not receive the money at all, was found guilty by the enquiry officer and penalty was imposed on him. An appeal was filed before the appellate authority and the said appeal was rejected.

3. We have heard Mrs. Avnish Ahlawat, learned counsel for the applicant. None appears for the respondents.

4. Mrs. Ahlawat submits that the applicant was discriminated with those similarly submitted false claims. She further submits that persons who received the money were given a lesser punishment while a penalty was imposed on the applicant on the presumption that he had drawn the advance and did not return the same with penal interest.

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5. We have perused the pleadings. We find force in the submission of Mrs. Ahlawat. Accordingly we set aside the penalty imposed on the applicant. We feel the penalty of 'censure' as ordered in the cases of other similarly situated persons would be sufficient. Accordingly we direct the respondents to substitute the punishment imposed on the applicant by the penalty of 'censure'. This should be done as early as possible at any rate within a period of four weeks from the date of receipt of this order. No costs.

N. Sahu
(N. Sahu)
Member(Admnv)

D.N. Baruah
(D.N. Baruah)
Vice Chairman(J)

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