

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 2483/1994

New Delhi, this 27th day of July, 1995

Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

P.B. Saxena
C-6/6, Lekha Nagar
Mazruti Cantt.

.. Applicant

(By Shri S.K. Gupta, Advocate)

Versus

Union of India, through

1. Secretary
Ministry of Defence, New Delhi

2. Financial Advisor (OS)
Ministry of Defence, New Delhi

3. Controller General of Defence Accounts
West Block V, R.K. Puram
New Delhi

4. Controller of Defence Accounts
Western Command, Sector 9C,
Chandigarh

.. Respondents

(By Shri P.H. Ramchandani, Sr. Advocate)

ORDER (Dra)

Hon'ble Shri A.V. Haridasan

The applicant has challenged the order dated 23.5.91 (Annexure A-3c) ^{23.5.91 (Annexure A-3c)} by which he was awarded a punishment of reduction of his pay from Rs.2300 to Rs.2240 in the time scale of Rs.2000-3200 for a period of one year with effect from the date of order providing that he would not earn increment of pay during the period of such reduction and the reduction would have the effect of postponing his future increments as also the order dated 13.1.92 ^{13.1.92} (Annexure A-1) by which his appeal against the punishment order was rejected.

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(X) Conveyed with
Court's order dated
u.t. 59

3/11

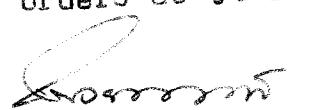
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The penalty was imposed on the applicant after holding an enquiry into the charge of which the statement of imputations are at page 52 of the paper book. The applicant denied the charge. He, however, did not participate in the enquiry and an ex-parte enquiry was held and the enquiry officer (EO) found the applicant guilty of charge. The disciplinary authority (DA) accepted the finding and imposed on him the penalty. The appellate authority also confirmed DA's order. Applicant has assailed the charge on various grounds. The main ground on which he seeks to have this order set aside is that there was no justification in proceeding against him and imposing on him the penalty because there was no misconduct. According to the charge, he preferred a false TA bill, did not support it by proper vouchers/receipts. From a bare perusal of the statement of imputation itself, it would be evident that the applicant though preferred a TA claim for Rs.1449, when he was asked to produce supporting vouchers for transportation of personal effects and receipt for the journey of his wife and daughter, he did not press his claim for transportation expenses and TA for his wife and daughter stating that the vouchers having been misplaced could not be traced out. As the applicant limited his claim to the extent of his own travelling expenses, the TA bill was honoured to that extent. There is no allegation that the applicant without transporting his personal effects and claiming ^{ed} transportation charges or that he claimed travelling expenses of his wife and daughter.

(b)

while they did not really travel. The only charge is that he failed to produce the vouchers. If he failed to produce vouchers he would not be entitled to get the amount reimbursed. That does not warrant or justify disciplinary proceedings against him, for misplacing and losing the vouchers does not involve any dishonesty or misconduct. We are therefore of the opinion that the impugned orders are ~~not neither~~ ^{nor} justifiable ~~and~~ sustainable.

2. In the result the impugned orders are set aside without any orders as to costs.


(S.P. Biswas)
Member (A)


(A.V. Haridasan)
Vice-Chairman (J)

/gtv/