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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO.2334/89.

New Delhi this the 9th day of May, 1994.

Shri Justice V.S. Malimath, Chairman.

Shri P.T. Thirvengadam, Member (A).

Shiv Raj Singh,
Telecom Office Assistant,
Telecom District Manager's
Off-ice, Ghaziabad. (U.P.) ... Petitioner.

By Advocate Shri Ashish Kalia, proxy
for Shri R.L. Sethi.

Versus.

1. Director General,
Telecom, Sanchar Bhavan,
New Delhi.
2. Director Telecom (North),
Govt. of India,
Bareilly. (U.P.)
3. Divisional Engineer Telecom,
Aligarh. (U.P.)
4. Telecom District Manager,
Govt. of India,
Ghaziabad. (U.P.) ... Respondents.

None for the respondents.

ORDER (ORAL)

Shri Justice V.S. Malimath.

The petitioner, Shri Shiv Raj Singh, was subjected to a disciplinary inquiry in respect of four charges, inter alia, alleging that he misused his official position during the period he was working as Telecom Office Assistant in the office of the DE Telegraph, Aligarh and embezzled Government money, thus failing to maintain absolute integrity and acting in a manner unbecoming of a Government servant. In his written statement to the show cause notice, he admitted the charges. Subsequently, he was given one more opportunity by issuing a show cause notice to make any representation against the proposed penalty. Even when the second opportunity

was given, all that he was able to say was that he is the only earning member and has old parents to maintain and thus pleaded for a lenient punishment. That the petitioner deposited the money said to have been embezzled by him promptly and without demur gives further support to the conduct of the petitioner in admitting his guilt. In view of this background, the only question that the disciplinary authority had to examine was in regard to appropriate punishment to be imposed on the petitioner. The disciplinary authority by its order, Annexure A-2, imposed the penalty of reducing the pay of the petitioner to Rs.260/- p.m. the minimum in the scale of Rs.260-480, for a period of five years with cumulative effect. On appeal, the appellate authority while concurring with the disciplinary authority in holding that the petitioner is guilty of the charges levelled against him, modified the punishment by its order Annexure A-I dated 12.10.1989 making it more lenient than the one imposed by the disciplinary authority. What the appellate authority has done is to take away the cumulative effect of the penalty imposed. Thus, after expiry of five years, the petitioner would get the benefit of increments which he failed to get during the punishment period of five years. He will only be losing the emoluments which he would have got had the increments been granted from time to time. The appellate authority has thus reduced the penalty imposed by the disciplinary authority.

2. In this background, we fail to see how we can interfere with the decision of the disciplinary authority as modified by the appellate authority. In view of the clear admission of the petitioner, the findings on merit cannot be assailed. On the question of punishment, it is

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well settled that it is a matter of discretion for the authorities and not for the Tribunal to interfere with the same. It is not possible in the circumstances to say that the punishment imposed is unreasonable or excessive. Having regard to the nature of the charges held proved, we are inclined to say that the punishment imposed is rather very much on the lenient side. Hence, there is no good ground to interfere in this case. This petition fails and is dismissed. No costs.

P. T. Thiruvengadam

(P.T. THIRUVENGADAM)
MEMBER (A)

V. S. Malimath

(V.S. MALIMATH)
CHAIRMAN

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