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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...
OA.No.2480 of 1989

Dated New Delhi, the 19th day of August, 1994

Hon'ble Mr A. V. Haridasan, Member(J)

Hon'ble Mr B. K. Singh, Member(A)

Dr M. K. Pal
R/o A-259, Pandara Road
NEW DELHI-3

... Applicant

By Advocate: None

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Union of India through

1. Secretary to the Government of
India, Ministry of Textiles
NEW DELHI

2. The Development Commissioner
(Handicrafts)
West Block No.VII
R. K. Puram
NEW DELHI-66

3. Shri R. S. Goel
Commissioner for Departmental
Enquiries, Block No.10, Wing-8
Jamnagar House Hutments
NEW DELHI-11

... Respondents

By Advocate: None.

O R D E R

Mr A. V. Haridasan, M(J)

This application is directed against the order dated 12.8.88(Annexure-A) by which penalty of reduction in pay of the applicant from Rs.3500 to Rs.3000 in the scale of pay of Rs.3000-4500 was imposed on the applicant with effect from 31.8.88 and rejecting the appeal. against the appellate order dated 5.12.88. The brief facts of the case can be stated as thus:

2. While the applicant was working as Deputy Director(M.C.), National Handicrafts and Handloom

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Museum, New Delhi, a show cause notice was served on him and after getting his explanation, it was proposed to held an inquiry against him. The substance of the allegation was that the applicant while functioning as Deputy Director, National Handicrafts and Handloom Museum, New Delhi put to auction on 3.6.86, 43 wooden packing boxes of estimated cost of Rs.79,000 without taking prior approval of the competent authority and the same were auctioned for Rs.1000 only thereby causing considerable ^{loss} to the State Exchequer. The applicant denied the charge. A formal inquiry was held. The Inquiry Officer submitted a report holding the charge against the applicant as proved. Agreeing with the findings of the Inquiry Officer, the Disciplinary Authority vide order dated 12.8.88 (Annexure-A) imposed a penalty on the applicant, of reduction in his pay from Rs.3500 to Rs.3000 in the scale of pay of Rs.3000-4500 with immediate effect and upto 31.8.88. Aggrieved by the order of the Disciplinary Authority, the applicant preferred an appeal to the Appellate Authority which was rejected vide order dated 5.12.88 (Annexure-B). Hence, the applicant filed this application praying that the impugned orders (Annexure-A and Annexure-B) be quashed and set aside.

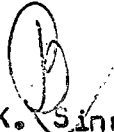
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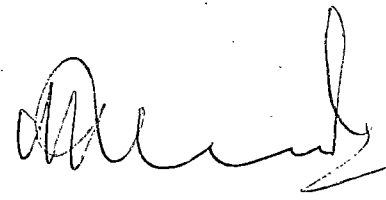
3. The case of the applicant is that the charge was foisted on him by Dr. Jyotindra Jain, the Senior Director out of jealousy for his achievement and that the enquiry authority who was a subordinate of Dr Jain was biased against him. He contends that the finding of guilt is not warranted by the evidence.

4. The respondents in their reply have refuted the allegations made in the application and have stated that the penalty was imposed on the applicant after adjudging him guilty in an enquiry held according to the Rules and in conformity with the principles of natural justice, after giving opportunity to him to defend himself.

5. Since the applicant and his counsel choosed ✓ to remain absent and none appeared on behalf of the respondents, we have decided to consider the case on merits without assistance of the parties after perusing the materials on record. We have, therefore, meticulously gone through the entire materials on records. A careful examination of the proceedings of the enquiry, evidence recorded at the enquiry, the enquiry report and the connected materials, we are are satisfied that the enquiry has been held in accordance with rules and that the applicant has been given fair and reasonable opportunity to defend

himself. The disciplinary authority has on a consideration of the evidence recorded at the enquiry and the finding of the enquiry authority held the applicant guilty of the charge and then awarded the punishment. There is nothing to indicate that the enquiry authority was biased. The finding of guilt is based on legal evidence. The penalty imposed on the applicant is a minor one and the disciplinary authority has taken a very lenient view probably taking note of the fact that the applicant was to retire shortly. In these circumstances, we do not find any scope for judicial intervention with the impugned order, and accordingly this application is dismissed as devoid of any merit, leaving the parties to bear their own costs.


(B. K. Singh)
Member(A)


(A. V. Haridasan)
Member(J)

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