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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 705/89

New Delhi this the 17th day of March, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

H. S. Sethi, Statistician,
Audience Research Unit,
Directorate General, A.I.R.,
New Delhi.

... Applicant

By Shri R. L. Sethi, Advocate

Versus

1. Union of India through
Secretary, Ministry of
Information & Broadcasting,
New Delhi.

2. Director General,
All India Radio,
New Delhi.

... Respondents

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath -

As none appeared for the respondents, we requested Shri V. S. R. Krishna, Advocate, to appear for the respondents, to study the court records and make his submissions. Accordingly, Shri Krishna has assisted the Court.

2. After this case was heard for some time, learned counsel for the petitioner, Shri Sethi, rightly and fairly submitted that this is a fit case in which the petitioner should be dealt with leniently in the matter of imposition of penalty. It is not for the Tribunal to go into the question of appropriateness of the penalty imposed as this is a matter of discretion of the

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disciplinary authority. But we are inclined to observe that the facts placed during the inquiry would certainly give an impression that there is material to show that the petitioner did make a trip to Kanyakumari though by a different bus and by a different route. There may be justification for holding that the petitioner should have given the revised route, the number of the changed bus and made an accurate claim of the LTC amount on that basis. The petitioner's statement that he did go to Kanyakumari made during the inquiry remains without being seriously challenged. In this background, though the authorities would be justified in holding that the petitioner was liable for action for not acting consistent with the rules and with the requisite amount of ~~grat~~^{Yec} gratitude, this is indeed a case where on the question of penalty the authorities ought to deal with the petitioner leniently for the reason that he appears to have reached Kanyakumari as stated by him during the inquiry. In this view of the matter, the penalty now imposed justifies being substantially reduced. We, therefore, while disposing of this application, consider it appropriate to observe that on the petitioner making a representation for reduction of the penalty within two weeks from this date to the appellate authority, the said authority shall bring to bear upon ~~in~~ the facts and circumstances his sympathetic consideration to reduce the penalty as reasonably ~~to an extent~~ as possible. With these observations, this application stands disposed of.

Anjali
(S. R. Adige)
Member (A)

Malimath
(V. S. Malimath)
Chairman

/as/