

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

DA No.124/88

Date of decision: 23.8.1993.

Ms. A.K.Ahluwalia

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Applicant.

Versus

Union of India & Another

Respondents.

CORAM:

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

For the applicant

Shri Umesh Misra, Counsel

For the respondents

Smt. Raj Kumari Chopra,
Counsel.

JUDGEMENT (ORAL)

(Hon'ble Mr. Justice V.S. Malimath, Chairman) :

The petitioner has challenged in this case the order of the disciplinary authority dated 18.2.87 by which she has been inflicted with a punishment of withholding of increments of pay for a period of three years without cumulative effect and recovery of the amount drawn by her as L.T.C. advance. The disciplinary enquiry was held against the petitioner on the allegation that she made a false LTC claim producing evidence purporting to have gone with her family to Kanyakumari though in fact she did not make such a trip. On consideration of the evidence produced in the case, the charge levelled against the petitioner has been proved and the petitioner has been inflicted with the punishment as aforesaid. The findings of the disciplinary authority holding the petitioner guilty of the charge levelled against her are finding of fact. As findings are

based on the evidence, we cannot interfere with the same. It is not possible to agree to the contention of Shri Misra, learned counsel for the petitioner, that the finding is based on no evidence. He submitted that some evidence would show that there are entries in the hotel at Kanyakumari showing the name of the petitioner's husband as having paid the charges on a particular date. He submitted that if that evidence is believed, it would show that the petitioner and her family went in fact to Kanyakumari which in turn would falsify the case against the petitioner. The finding has been recorded on the basis of the deposition of the owner of vehicle in which the petitioner says they had travelled to Kanyakumari. He has given the bus no. DLP-6231 in which the petitioner is supposed to have travelled. It remained in Haryana during the relevant point of time and did not make any trip to Kanyakumari. His evidence has been believed. It showed that bus did not leave the Haryana State at the relevant point of time. This bus bearing no. DLP-6231 never entered the town of Kanyakumari during the relevant point of time. This evidence is sufficient to hold the charge proved against the petitioner. Hence, this is not a case of no evidence. It is, therefore, not possible to accept the contention of Shri Misra that the findings are based on no evidence. The material on record does not justify the inference that the findings are perverse. They are eminently justified on the material placed on record. We, therefore, see no good ground to interfere. This application, therefore, fails and is dismissed. No costs.

Malimath

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(S.R. ADIGE)
MEMBER (A)

(V.S. MALIMATH)
CHAIRMAN