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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No. 2425/1990

New Delhi, dated the 7th December, 1994

CORAM

Hon'ble Shri N.V. Krishnan, Vice Chairman(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Mangala Ram
Examiner Highly Skilled Grade-I
7/No. KN/24, Detachment, A.A.I.W.,
Kanpur-9

C/o Mr. M.A. Rehman, Advocate,
Supreme Court Bar Library,
Tilak Marg, New Delhi-1

... Applicant

(None for the applicant)

versus

1. Union of India through the Director,
DTD & (P) Air,
H-Block, Ministry Of Defence,
Govt. of India, New Delhi-110011
2. The Officer Incharge,
Air Armament Inspection Wing,
Khamaria, Jabalpur (M.P.)
3. Shri Inderpal, Officer Incharge,
Detachment, A.A.I.W. Kanpur-9

... Respondents

(None for the respondents)

ORDER(ORAL)

Hon'ble Shri N.V. Krishnan, Vice Chairman(A))

The applicant is aggrieved by the penalty awarded by the Ann. VIII dated 3-1-1990 and seeks a direction to set aside that order. We have perused the case, The Ann. A.6 order dated 6-6-1989 passed by the Officer in Charge of the Air Armament Inspection Wing (AIR), Ministry of Defence, Khamaria, Jabalpur, respondent No. 2 makes it clear that

disciplinary proceeding under rule 14 of the CCS (CCA)

Rules, 1965 was initiated against the applicant

vide order dated 6-6-1989 (Ann.A-6) reproduced below:-

- (a) quoted false first class ticket number for the journey from New Delhi to Madras Central in respect of himself and five other members of his family.
- (b) cheated the Govt. by producing a false document in form of first class ticket No. 00883-088 in support of his LTC claim for first class fare from New Delhi to Madras Central.
- (c) collected a total sum of Rs 8,400/- towards his LTC claim which fraudulently included the amount of first class from New Delhi to Madras Central for himself and five other members of his family.

to

The matter was re-entrusted/the Enquiry Officer who found him guilty and accordingly disciplinary authority vide his order dated 6-6-1989 (Ann.A.6) imposed upon the applicant penalty of compulsory retirement from service with effect from the date of receipt of this order.

2. The applicant filed an appeal which has been disposed of by the order dated 3-1-90 (Ann.A-8) of the Director Technical Development and Production (Air), respondent No.1. Appellate Authority considered the penalty to be severe and required reduction as follows:-

" Now therefore , the undersigned hereby sets aside the order of compulsory retirement from service and imposes the penalty of reduction of his pay by three stages with cumulative effect. His pay will be reduced from Rs 1560.00 to Rs 1470.00 w.e.f. the date of issue of his compulsory retirement order. He will draw his next increment only on 01Dec. 1990 and his pay will be raised from Rs 1470.00 to Rs 1500.00 on that date, if otherwise in order. The intervening period from the date of his compulsory retirement and the date of rejoining will be treated as on Extra Ordinary Leave. Shri Mangla Ram, EHS I, shall also refund Rs 8,400.00 together with interest, as charged, drawn by him as LTC claim."

Aggrieved by the Ann.A.8 order this O.A. has been filed.

3. None appeared for the parties. Hence the order is passed after a perusal of the records.

4. The applicant has challenged the orders on many grounds. The following only deserve notice.

(i) Respondent No.2 was not the authority competent to pass the order of compulsory retirement.

(ii) No penalty for reduction of time scale to a lower stage can be inflicted for unspecified period as a permanent measure.

(iii) Treating the period from compulsory retirement to the date of rejoining as Extra ordinary leave is erroneous, because the compulsory retirement order has been set aside.

5. The ground which should have gone to the root of the matter is that the Ann.A.6 order has been passed by an incompetent authority who was not the appointing authority. We have seen the application. No foundation, whatsoever, has been ^b ~~and~~ ~~had~~ for making this allegation. Further, it appears that he had not raised this ground before the appellate authority. Therefore, this ground is baseless.

6. We have seen the order of penalty as imposed by the Appellate Authority which is reproduced in para 2. That order does not suffer from any infirmity. The order of penalty is definite in all respects. The appellate authority is competent to give direction as to how the period from the date the applicant was retired compulsorily until he is reinstated should be regularised.

7. In the circumstances, we find no merit in the OA. Accordingly it is dismissed. *✓*

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

7.12.84
(N.V. Krishnan)
Vice Chairman (A)