

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 2324/92

New Delhi, this the 8th day of Oct., 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Shri K. Muthukumar, Member (A)

Ran Singh s/o Shri Bode Ram,
Head Master, Govt. Boys Senior
Secondary School No. I 'C' Block,
Yamuna Vihar, Delhi.
(By Advocate: Shri M.L. Sharma)

...Applicant

Versus

1. The Chief Secretary,
Delhi Administration,
5 Sham Nath Marg,
Delhi.
2. The Director of Education,
Delhi Administration,
Old Secretariat Building,
Delhi.
3. Shri N.S. Tolia,
Deputy Director of Education (East)
(Distt. East)
Govt. Boys Senior Secondary School,
Rani Garden, Delhi.

.... Respondents

(By None)

O R D E R (ORAL)
[Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)]

The petitioner in this OA is aggrieved by the order passed by the disciplinary authority dated 29.5.1992 by which one increment with cumulative effect was withheld alongwith the recovery of the pecuniary loss in full from the petitioner.

It was alleged that the petitioner who was working as Headmaster Incharge of a Govt. Boys Senior Schondry School, Dayalpur Delhi failed to make proper arrangement for watch and ward of the school in the absence of the School Chowkidar and the same led to an alleged

theft from the school on 27-28/8/1985. After issuance of chargesheet the Enquiry Officer was appointed who submitted the report to the disciplinary authority who considered the same and passed the above final order of punishment.

On behalf of the petitioner it was stated that no chargesheet was served on him nor any enquiry report was given to him and as such he could not file any appeal against the said order. In any event from the records, we find that this court by an order dated 9.9.1992 had stayed the operation of this impugned order by which the penalty was imposed by the disciplinary authority on the petitioner.

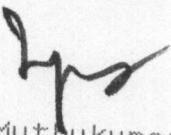
We have persued the record and the order by which the disciplinary authority has imposed the penalty upon the petitioner. It was stated that the punishment order, on the face of it, is unimplementable. The punishment awarded is not in accordance with the guidelines issued for the purpose especially the guidelines issued by the DOP&T by their letter dated 27th October, 1965, as under:

"When the penalty of withholding of increment is awarded to an employee, it is obligatory on the part of the disciplinary authority to specify the period for which the penalty should remain current. A doubt has been raised whether in such a case, all the increments falling due during the currency of the penalty or only one increment should remain withheld during the specified period. It is clarified that an order of withholding of increment for a specified period implies withholding of all the increments admissible during that specified period and not the first increment only".

In any event, it was stated that the petitioner has now superannuated on 30.11.1992 and since the stay of operation of the impugned order was subsisting

Five years back, the petitioner has been superannuated about agitating about the legality of this order especially in view of the guidelines stated above.

In the circumstances, we allow this OA to the extent that the impugned order is set aside. Since, the petitioner who has already superannuated and on the basis of the statement that the petitioner has received all the retiral benefits in accordance with the rules no further order is required to be passed. No cost.


(K. Muthukumar)
Member (A)

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(Dr. Jose P. Verghese)
Vice-Chairman (J)