

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2338/93

New Delhi this the 15th day of July, 1999.

Hon'ble Mr. A.V. Haridasan, Vice-Chairman(J)
Hon'ble Mr. S.P. Biswas, Member(A)

Shri Mahendra Nath,
S/o Sh. Ram Richhpal,
R/o 355, Mohalla Maharam,
Shahdara, Delhi-32.

.... Applicant

(Applicant in person)

versus

1. Union of India through
the Secretary,
Cabinet Secretariat,
Deptt. of Personnel,
North Block, New Delhi.
2. Commissioner-cum-Secretary,
Directorate of Education
(Old Secretariat)
Delhi Administration,
Delhi.
3. Director of Education,
Old Secretariat,
Delhi Administration,
Delhi.

.... Respondents

(through Shri Raj Singh, advocate)

ORDER(ORAL)
Hon'ble Sh. S.P. Biswas, Member(A)

The applicant a teacher under the respondent
Director of Education/Delhi Administrative is aggrieved
by orders dated 20.2.89 and 27.4.93 respectively. By
the former, the applicant has been punished with the
stoppage of increment for three years with cumulative
effect by the Disciplinary Authority. And by the
latter, his appeal against the orders of the
Disciplinary Authority has been rejected by the
Appellate Authority. Consequently, he has prayed for

reliefs in terms of quashing both the orders aforesaid and also seeks issuance of directions to the respondents to treat the period of absence as continuous service without any break (dies non).

2. The main plank of applicant's attack is that the enquiry was ordered and conducted hurriedly without applying the requirements of natural justice and that a similarly situated official has been awarded a lesser punishment. Thereby forcing the applicant to face hostile discrimination.

3. The respondents have controverted all the arguments advanced by the applicant.

4. We have gone through the record, perused the materials placed before us and also heard the applicant who appeared in person as also the counsel for the respondents. WE find that the orders of punishment were issued pursuant to enquiries duly held in terms with the Rule 14 of CCS (CCA) Rules, 1965. The orders of Disciplinary as well as Appellate Authorities have also been issued in terms of relevant provisions of the CCS (CCA) Rules considering all the grounds raised by the applicant in the original application. It is not in doubt that the applicant, as per terms of agreement, was deputed for foreign assignment for a total period of 36 months in two separate spells of 18 months each starting from 14.2.74. But he did not return to duty after the

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expiry of said terms and over stayed for more than nine years in foreign service with the Nigerian Government without the approval of Competent Authority from 14.2.77 to 28.1.87. As per terms of contract/ offer of appointment, applicant's stay beyond the two periods of 18 months was subject to the approval of the Competent Authority i.e. the Department of Education/NCT. As has been established in the enquiry, the applicant over stayed for more than nine years without any sanction of the Competent Authorities. We do not find any infirmity in the enquiry proceedings. Nor there has been any violation of the principles of natural justice. Applicant's allegations of discrimination would not hold good since each case to be seen in the context of facts and circumstances of that.

5. We do not find it a fit case for our interference in the matter. The Original Application is dismissed being devoid of merits. No order as to costs.



(S.P. Bhowas)
Member(A)



(A.V. Haridasan)
Vice-Chairman(J)

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