

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A. No.2366/93.

NEW DELHI, THIS THE 20th DAY OF JULY, 1999.

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN.
HON'BLE MR. N. SAHU, MEMBER (A).

Smt. Rupinder Kaur
w/o Shri Sarabjit Singh Khanna,
No.6965157, Storekeeper,
Ordnance Depot, Shakur Basti,
Delhi.

...APPLICANT

(NONE FOR THE APPLICANT)

vs.

1. Union of India
Through Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. Director General of Ordnance Services,
Master General of Ordnance Branch,
DHQ P.O.,
New Delhi-110001
3. Officer-in-charge,
Sena Ayudh Corps Abhilekh Karyalaya,
Trimulgherry Post,
Secunderabad-500015.
4. Commandant,
Ordnance Depot,
Shakur Basti,
Delhi.

...RESPONDENTS

(NONE FOR THE RESPONDENTS)

ORDER

JUSTICE K.M. AGARWAL:

By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the penalty order of reduction of pay by three stages with cumulative effect passed by the disciplinary authority and the order passed by the appellate authority modifying the penalty of reduction of pay by three stages by making it without cumulative effect. She has also claimed ancillary reliefs of restoration of pay and payment of arrears of increments etc.

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2. Briefly stated, while in service with the respondents the applicant went on maternity leave from 16.10.1989 to 14.1.1990. After expiry of the maternity leave, she joined her duties on 15.1.1990 for one day and thereafter proceeded on further leave for 5 days from 16.1.1990 to 20.1.1990. She went on extending the leave on medical grounds till 30.6.1990. She did not either join her duties on 1.7.1990, or obtain leave for further period. She was, thus, on unauthorised absence with effect from 1.7.1990 to the date of service of chargesheet dated 18.1.1991. She was, therefore, subjected to departmental enquiry, and found guilty of misconduct alleged against her and accordingly vide impugned order dated 10.2.1992, the disciplinary authority imposed penalty of reduction of pay by three stages from Rs.1110/- to Rs.1050/- in the pay scale of Rs.950-1500 for a period of two years with effect from 1.3.1992 with cumulative effect. (Emphasis supplied). In appeal, the appellate authority modified this penalty order by making the reduction of pay by three stages without cumulative effect. (Emphasis supplied). Being aggrieved, the applicant has filed the present O.A. for the said reliefs. The O.A. is resisted by the respondents.

3. Perused the pleadings and documents on record. After such perusal we find no infirmity in the enquiry proceedings against the applicant. The applicant herself is not disputing the fact that she did not join her duties on 1.7.1990 after expiry of the extended period of her leave. Her case was that she was sending leave applications supported by medical certificates to the 4th respondent through one of her colleagues Smt. Priti Bala. The defence was not accepted. As an appellate court we cannot reappraise the evidence and come to a contrary conclusion. In the facts and circumstances of the case, the disciplinary authority took a

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lenient view of the matter and accordingly passed the impugned order of reduction of pay by three stages with cumulative effect, which was further diluted by the appellate authority by modifying and making the reduction of pay without cumulative effect. Accordingly we find no case for interference with the impugned orders of the disciplinary and the appellate authorities.

4. In the result this O.A. fails and it is hereby dismissed, but without any order as to costs.



(K.M. AGARWAL)
CHAIRMAN



(N. SAHU)
MEMBER (A)