

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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O.A. No. 2418/1993

New Delhi this the 22nd Day of July 1999

Hon'ble Mr. V. Ramakrishnan, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

A.S. Vasudeva
Stenographer Gr. 'D'
Ministry of Defence (Fin/GS)
Room No. 23-C, South Block
New Delhi - 110 011

Applicant

(By Advocate: Shri Ashish Kalia)

Versus

1. Union of India, through
The Secretary,
Ministry of Defence
South Block,
New Delhi
2. The Deputy Secretary (E)
Ministry of Defence,
C-II Hutments,
Near South Block,
New Delhi-110011

Respondents

(By Advocate: Shri H.K. Gangwani)

ORDER (Oral)

Hon'ble Mr. V. Ramakrishnan, Vice Chairman (A)

We have heard Shri Ashish Kalia, learned counsel for the applicant and Shri H.K. Gangwani, learned counsel for the respondents.

2. The applicant has challenged the order dated 29.1.93 of the disciplinary authority which has withheld one increment of pay for a period of one year without cumulative effect and also treats the period of unauthorised absence from 3.4.84 to 25.12.84 as dies-non as at Annexure A-2 and also the orders of the appellate authority dated 18.6.93 which

rejected the appeal as at Annexure A-1.

3. This is the second round of litigation. The applicant was charged with unauthorised absence for the period from 3.4.84 to 25.12.84 and he was dismissed from service on completion of the disciplinary proceedings. He approached the Tribunal in OA 1594/88 which was decided on 25.2.91, a copy of which is at Annexure A-3. The Tribunal then noted that he was not supplied a copy of the enquiry report and quashed the orders of the disciplinary authority and the appellate authority and gave an opportunity to the authorities to proceed further after giving a copy of the enquiry report and getting his explanation. In pursuance of this order, a copy of the enquiry report was given to the applicant and after considering his reply, the disciplinary authority had issued a fresh order dated 29.1.93 withholding of one increment of pay for a period of one year without cumulative effect. An appeal against this order has also been rejected and these are challenged in the present O.A.

4. After hearing both the learned counsel and after perusing the record, we find that the respondents noted that for the period from 3.4.84 (when he was unauthorised absence) till 27.5.1984 when the situation in Punjab became abnormal the applicant did not bother to send any intimation seeking leave. It was also held that he had intimated for the first time his whereabouts only on 13.6.1984 and did not obtain any leave. It is not in dispute that leave was not given at the relevant time for the period of absence. In the circumstances, the Department had gone on the basis of materials on

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record^{and} it is not a fit case for the Tribunal to interfere in the matter.

5. We find no merit in the OA and accordingly dismiss the same. No costs.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)
Member (J)

V. Ramakrishnan

(V. Ramakrishnan)
Vice Chairman (A)

vtc.