

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 19th day of March, 2001

Original Application No.627 of 1993

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr. S. Biswas, A.M.

Sri RK Goel S/o Shri Ishwari Prasad,
Resident of 74, Kulri Bazar, Mussoorie,
at present working as Junior Technician,
Lal Bahadur Shastri National Academy of Administration,
Mussoorie, U.P.

(Sri O.P. Bakshi, Advocate)
(Sri AK Gaur, Advocate)

. Applicant

Versus

1. The Union of India through the
Secretary to the Government of India,
Departmenta of Personnel and Training,
Ministry of Personnel, Public Grievances &
Pensions, New Delhi.
2. The Director Lal Bahadur Shastri National
Academy of Administration, Mussoorie U.P.
3. Dy Director (Senior),
Incharge Administration,
Lal Bahadur Shastri National Academy of
Administration, Mussoorie U.P.

(Sri Satish Chaturvedi, Advocate)

. Respondents

ORDER (O_r_a_l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this application filed under Section 19 of the
Administrative Tribunals Act, 1985, the applicant has

challenged the order of punishment dated 27-7-1992 passed by the disciplinary authority, awarding the penalty of stoppage of next three increments without cumulative effect. The order of the disciplinary authority was confirmed by the appellate authority on 21-10-1992 which has also been challenged. The applicant has also prayed that he may be declared to be Senior Technician continuing since 1997.

2. We have considered the submission of the learned counsel for the applicant against the punishment awarded. The main submission was that as the applicant was acquitted by the Criminal Court, by the order dated 24-7-1991, the order of punishment could not be passed for the same misconduct. We are not agreeable to this submission. Before the Criminal Court prosecution is required to prove offence ^{beyond a} ~~with~~ all reasonable doubts, whereas before the disciplinary authority the punishment is awarded on the basis of preponderance ^{of a} ~~and~~ evidence adduced by the parties. We have perused the order of punishment dated 27-7-1992. It was contended on behalf of the applicant that the matter was ^{not being looked after} ~~being decided~~ by the charge officer, but this story was not accepted. There was no explanation as to why the motor was recovered from his friend's house. Considering the charge, the punishment awarded was ^{Justified a} ~~most genuine~~, ^{However} we do not find any good ground for interference with the same. The second submission by the counsel for the applicant is against the order of reversion passed against him on 4-9-1991. The applicant at that time was promoted on ad hoc basis as Senior Technician. As per Rules applicable to employees of Central Government, promotion cannot be granted during the currency of punishment. The punishment awarded to the applicant was for a period of three years. He could not be promoted during that

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period. However, for the rest of the period there was no bar. Learned counsel for the applicant has submitted that the applicant may be given liberty to make a representation before the appropriate authority, for his promotion on the basis of the order dated ⁹⁻⁸⁻¹⁹⁹⁹ 9-8-91.

In view of above it is provided that if the representation is so filed, it shall be considered and decided in accordance with law by a speaking order within a period of four months from the date of filing a copy of this order. The OA is disposed of finally ^{subject} ~~to agree~~ accordingly, with no order as to costs.

Conclude vide
as dt. 7/8/2001

[Signature]

Dube/

S. Bis
Member (A)

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Vice Chairman