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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No./146
~~Ex No.~~

1986

DATE OF DECISION 28-1-1987

K.G. PATOLE

Petitioner

B.N. PATEL

Advocate for the Petitioner(s)

Versus

UNION OF INDIA

Respondent

J.D. AJMERA

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. TRIVEDI

: VICE CHAIRMAN

The Hon'ble Mr. P.M. JOSHI

: JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

Per: Hon'ble Mr.P.H.Trivedi, Vice Chairman

J U D G M E N T

The petitioner is aggrieved by the impugned order of punishment dated 24th April, 1986 by the Ministry of Food and Civil Supplies regarding his showing lack of care at the time of taking delivery of the vans in which some equipment namely 12 Projection-Lamps costing about Rs.5,000 were found short on detailed inspection of the van on 29.4.84 after 11 days from the date of delivery of the van. The petitioner has retired since on 30.6.1986 but his grievance is that after a long period of unblemished ~~service~~ he should have been punished in this manner. He disputes any lack of care in the transaction and contends that another officer had already taken delivery of the consignment but not reported to him any shortage. He has explained the delay in ~~detecting~~ due to the required technical staff not being available to him earlier.

2. It is true that the enquiry has taken a considerable time but it has to be noted that in the present case the order of punishment has been issued after consulting UPSC which has recorded its recommendation in which it has upheld the charge of lack of care on the part of the petitioner not verifying the consignment at the time of taking delivery. After hearing the learned advocates for the respondent in which their submissions have reinforced the contentions made in the petition and its reply, we hold that the petitioner had a duty to verify the consignment that such a duty was not performed at the time of taking the delivery of the consignment, that the petitioner had availed

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the assistance of the technical staff at the time of taking the consignment, that even thereafter detection of the shortage could have done earlier by the petitioner, and that the respondent has given sufficient opportunity to the petitioner to explain his case before awarding him the punishment which is a minor penalty. The contention of the petitioner that the inquiry against him were contrived in order to refuse him promotion is not substantiated and that the finding that there is no mala-fide in the matter is also noticed by the UPSC. Once the charges are held to be proved the quantum of punishment is a matter of administrative judgment in which it is difficult to interfere unless ex-facie the punishment is excessive or unauthorised or the authorities imposing it are not competent to do so. Having regard to the circumstances of the case it is not possible to say that this is so. In fact the punishment of censure is a mild punishment and we find that it is merited.

3. The application has no merit and fails.
No order as to costs.


(P.H. TRIVEDI)
VICE CHAIRMAN


(P.M. JOSHI)
JUDICIAL MEMBER