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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No. 180 of 1987.

Date of decision : September 21, 1988.

Nanda Kumar Mishra, son of Shri Chandra Bhanu Mishra, Headmaster, M.E. School, Now designated as Trained Graduate Teacher, Kalimela High School, At & P.O-Kalimela, Dist-Koraput, Orissa Applicant.

Versus

1. Union of India, through the Secretary, Ministry of Home Affairs, Rehabilitation Wing, Jaisalmer House, Mansingh Road, New Delhi.
2. Deputy Chief Administrator, Dandakaranya Development Authority, At/P.O/District- Koraput.
3. Superintendent of Education (P), Education Organisation, Dandakaranya Development Authority, At/P.O-Pakhanjore, Dist- Koraput.

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Respondents.

M/s B.Pal & B.Baug, Advocates ...

For Applicant.

Mr. A.B.Misra, Sr. Standing Counsel
(Central) ...

For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P.ACHARYA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be permitted to see the judgment ? Yes .
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

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J M T

JUDGMENT

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner challenges the order of punishment passed by the competent authority in a disciplinary proceeding initiated against him.

2. Shortly stated, the case of the petitioner is that he is a teacher in the Dandakaranya Project. While he was functioning as such, a disciplinary proceeding was initiated against him on an allegation that he left headquarters without permission and did not attend to his duties and he had not applied for leave to be granted and he was negligent in his duties in teaching the students etc. Inquiring Officer was appointed who found the petitioner guilty of the said charges and accordingly submitted his findings to the disciplinary authority who in his turn ordered punishment of the petitioner and directed that pay of the petitioner be reduced by five stages i.e., from Rs.650/- to Rs.525/- with cumulative effect. Appeal preferred by the petitioner did not yield any fruitful result. Hence this application.

3. In their counter, the Opposite Parties maintained that this case being one of full proof of evidence, the petitioner was rightly punished and the punishment should not be interfered since it was passed in the interest of administration.

4. We have heard Mr. B.Pal, learned counsel for the petitioner and Mr. A.B.Misra, learned Senior Standing Counsel for the Central Government at some length. We have also perused the pleadings of the parties and the

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relevant documents including the inquiry report and the evidence. We cannot agree with Mr. Pal, learned counsel for the petitioner that this is a case of no evidence. On the contrary, we are of opinion that the contention put forward by Mr. Pal on questions of fact is not acceptable and we further hold that that the charge has been proved against the petitioner about which the petitioner was found to be guilty by the Inquiring Officer concurred by the disciplinary authority. Hence we confirm the order passed by the disciplinary authority and the appellate authority finding the petitioner guilty of certain charges.

5. Mr. Pal submitted that the penalty imposed on the petitioner is too high and needs to be reviewed by this Bench. Ofcourse Mr. Misra vehemently opposed this contention of Mr. Pal and submitted that in no circumstance the quantum of penalty should be interfered with. Keeping in view the circumstance appearing in this case, we are of opinion that the quantum of penalty imposed by the disciplinary authority is rather harsh and therefore we would direct that three future increments of the petitioner ~~are~~ be stopped without cumulative effect and subject to the modification of the penalty to the aforesaid extent, the application is disposed of leaving the parties to bear their own costs.

legally 21.9.88

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Member (Judicial)

B.R.PATEL, VICE CHAIRMAN,

I agree.

Central Adminn.Tribunal,
Cuttack Bench.
September 21,1988/Roy,Sr.P.A.

B.R.PATEL 21.9.88
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Vice Chairman.