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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

Original Application No.108 of 1987.

Date of decision: May 24, 1989.

R.S.Verma, Headmaster,  
Maroda Middle School,  
Paralkote Zone, under Dandakaranya  
Development Authority, oresently Trained  
Graduate Teacher, Kalimela High School,  
At & P.O. Kalimela, Malkangiri Zone,  
District. Koraput. ...

Applicant.

Versus

1. Union of India, represented through  
the Secretary, Ministry of Home Affairs,  
Department of Home Affairs, Rehabilitation  
Wing, Jaipur House, Mansingh Road,  
New Delhi.
2. Chief Administrator,  
Dandakaranya Development Authority,  
Koraput, At & P.O. Koraput,  
District-Koraput (Orissa);... Respondents.

For the applicant ...

M/s. B. Pal,  
O. N. Ghosh, Advocates.

For the respondents ...

Mr. A. B. Mishra,  
Senior Standing Counsel (Central)

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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 allowed  
to see the judgment ?
  2. To be referred to the Reporters or not ? *Jo*
  3. Whether Their Lordships wish see the fair copy  
of the judgment ? Yes.
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J U D G M E N T

K.P. ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the order of punishment passed against the applicant contained in Annexure-4 is under challenge.

2. Shortly stated, the case of the applicant is that while he was functioning as Headmaster of Maroda Middle English School under the Dandakaranya Development Authority four items of charges were framed against him and delivered to him. The charges were enquired into and in respect of item 1(a) of the charge, the enquiring officer found the applicant to be guilty, in respect of charge item No. 1(b) the enquiring officer found that the evidence was not sufficient to establish the charge against the applicant. In respect of items 2 and 3 of the charges the enquiring officer found that the charges were brought home against the charge no. 4 not to have been proved and delinquent officer and the enquiring officer submitted his findings accordingly and the disciplinary authority concurred with the findings of the enquiring officer and found that the applicant to be guilty of charges 1(a), 2 and 3. The disciplinary authority while imposing penalty ordered that the pay of the applicant be reduced by two stages i.e. from Rs. 625/- to Rs. 575/- in the time scale of Rs. 440-750/- for a period of two years with effect from the date of service of the order on the applicant. The reduction would have the effect of postponing future increments of pay. The applicant carried the matter in appeal and the appellate authority while confirming the findings of the disciplinary authority that the charges had been brought home against

the applicant modified the penalty to the extent that it shall have the effect of being operative without cumulative effect. Being aggrieved by this order the applicant has come up before us with the aforesaid prayer.

3. In their counter, the respondents maintained that the case being one of full proof evidence and that no illegality having been committed during the course of enquiry and principles of natural justice not having been violated in any manner whatsoever, the case is devoid of merit and is liable to be dismissed.

4. We have heard Mr.B.Pal, learned counsel for the applicant and Mr.A.B.Mishra, learned Senior Standing Counsel (Central) at some length. We have perused the pleadings of the parties and we have also gone through the relevant documents in this case. We have absolutely no hesitation in our mind to agree with the disciplinary authority and the appellate authority that the charges had been brought home against the applicant and rightly he was found to be guilty.

5. So far as the penalty is concerned, we would record our appreciation for the observations of the appellate authority i.e. Shri T.K.Mishra, Deputy Chief Administrator, who stated as follows :

" But at the same time, I am of the opinion that a lesser penalty would have met the ends of justice. The punishment should in essence be reformative in character. "

Keeping in view the aforesaid observations of the appellate authority, we think that the penalty imposed on the applicant should be modified to the extent of stoppage of one increment. We would direct that the reduction of pay of the applicant should be by two stages but it should remain effective without cumulative effect only for one year.

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6. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

*ks as per*  
24.5.89.  
.....  
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

9 agree.



*ks as per*  
24.5.89.  
.....  
Vice-Chairman

Central Administrative Tribunal.  
Cuttack Bench, Cuttack.  
May 24, 1989/Sarangl.