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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 447 OF 1989

Date of decision: November 14 , 1991

Nanda Kumar Mishra : Applicant

- Versus -

Union of India and others : Respondents.

For the applicant : M/s B. Pal, O. N. Ghosh,
S. C. Parija, Advocates.

For the Respondents : Mr. Tahali Dalai, Addl.
Standing Counsel (Central)

C O R A M;

THE HON'BLE MR. K. P. ACHARYA, VICE CHAIRMAN

A N D

THE HON'BLE MR. J. C. ROY, MEMBER (ADMN.)

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P. ACHARYA V.C.

In this application under section 19 of the Central Administrative Tribunals Act, 1985 the Petitioner prays to quash the order of the disciplinary authority imposing penalty over the petitioner resulting for a disciplinary proceeding.

2. Shortly stated, the case of the Petitioner is that while he was working as Headmaster in a certain M.E. School under the Dandakaranya Authority a charge sheet containing certain articles of charge of misconduct and misbehaviour was delivered to the Petitioner and a proceeding was initiated against him. The Petitioner was required to face four items of charge and a full-fledged enquiry was conducted. The enquiry officer submitted his findings holding the petitioner to be not guilty in respect of charge Nos. 2, 3 and 4 and he further found charge No. 1 to have been established. The Disciplinary Authority concurred with the findings of the enquiry Officer and held the petitioner to be guilty of charge No. 1 and imposed a penalty of reduction of increment with cumulative effect by one stage and also censure. The Petitioner had preferred an appeal which did not yield any fruitful result. Hence this application with the aforesaid prayer.

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3. We have heard the learned Counsel for the Petitioner and Mr. Tahali Dalai, learned Additional Standing Counsel for the Central Government at considerable length. We have perused the impugned order of punishment and the reason assigned by the enquiry Officer and that of the disciplinary authority who has elaborately dealt with the evidence in the case and we find no reason to take the view other than what has been taken by the disciplinary authority. Nothing was pointed out to us on the basis of which it could be held that principles of natural justice has been violated or reasonable opportunity had been denied to the Petitioner in defending himself.

4. It was lastly contended that for a petty offence committed by the Petitioner, the quantum of penalty is excessive and needs interference. In the case of Union of India Vs. Peramananda Reported in AIR 1989 SC 1185 Their Lordships have held that Courts including the Tribunal have no powers to interfere in regard to the quantum of penalty. Therefore, we are unable to accede to the request made on behalf of the Petitioner.

5. Thus, we find no merit in this case which stands dismissed leaving the parties to bear their own cost.


.....14.11.91.....
MEMBER (ADMINISTRATIVE)


14.11.91
VICE CHAIRMAN