CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.192 of 1990.

Date of decision : January 18 ,1994.

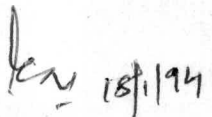Mahendra Kumar Dash   ...   Applicant.

Versus

Union of India and others ...   Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? NO.

2. Whether it be circulated to all the Benches of
    the Central Administrative Tribunals or not ?   No.

(H. RAJENDRA PRASAD)   (K. P. ACHARYA)
MEMBER(ADMINISTRATIVE)   VICE-CHAIRMAN.
       18 JAN 94

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For the applicant ...   M/s.J.Patnaik,
                             H.M.Dhal, Advocates.

For the respondents ...   Mr.U.B.Mohapatra,
                             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. H.RAJENDRA PRASAD, MEMBER(ADMN.)

- -

ORDER

K.P.ACHARYA, V.C., In this application under section 19 of the

    Administrative Tribunals Act,1985, the applicant

    prays to quash the order of punishment passed against

    him resulting from a disciplinary proceeding.

2.   Shorn of unnecessary details, it would suffice

    to say that the applicant while working as an

    Assistant Superintendent of National Sample Survey

    Organisation(in short, N.S.S.O.) and posted at

    Cuttack was called upon to answer a charge- crux of

    which is submission of false T.A.bills. In his

explanation dated 24.8.1987 the applicant had denied to have committed any offence relating to the charges. But in his written statement of defence dated 4.9.1987 the applicant admitted the charges and therefore, on the admission made by the applicant, the disciplinary authority found him to be guilty of the charges and ordered withholding of two increments for a period of two years with cumulative effect. Appeals and representation petition filed by the applicant did not yield any fruitful result and therefore, he has filed this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the applicant having admitted the charges, he was rightly punished and therefore, the order of punishment should not be interfered with - rather it should be sustained.

4. We have heard Mr.J.Patnaik, learned counsel for the applicant and Mr.U.B.Mohapatra, learned Additional Standing Counsel(Central) for the respondents.

5. We have given our careful consideration to the arguments advanced at the Bar and we have also perused the relevant documents and pleadings of the parties. In the explanation submitted on 4.9.1987 contained in Annexure-5, the applicant states as follows:

" I am to say that I hereby admit both the article of charges framed against me vide FCD memo No.C-14013/12/87-Vig. Dt.11.8.87.
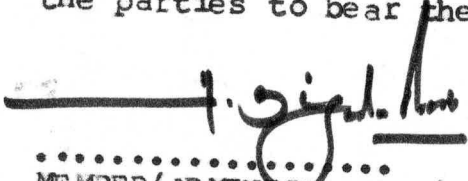
I give the undertaking that in future I will

not commit any irregularities. Further I pray you to be kind enough to consider the present case most sympathetically for act of which I shall remain ever grateful to you. My earlier letter dated 24.8.87 may kindly be treated as cancelled. *

In the letter dated 24.8.1987 the applicant had denied to have committed any irregularity or illegality. But subsequently the applicant had admitted the charges. We cannot lose sight of the fact that the applicant is an educated person and could not have been imbalanced of mind and admitted the charges. There is absolutely no evidence before us that such admission of guilt was due to coercion and therefore we cannot come to a conclusion that the admission made by the applicant was not out of free will. We find no illegality to have been committed by the disciplinary authority in finding the applicant guilty of the charges. Therefore, the order passed by the disciplinary authority is hereby confirmed.

6. Thus, this application stands dismissed leaving the parties to bear their own costs.

....
MEMBER(ADMINISTRATIVE)   VICE-CHAIRMAN
18 JAN 94 .

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
January 18 ,1994/Sarangi.