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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No.531 of 1991

Date of Decision: 23.7.1993

K.Ramulu

Applicant(s)

VERSUS

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? *NO*

  
MEMBER (ADMINISTRATIVE)

23.7.93.

  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 531 of 1991

Date of Decision: 23.7.1991

K. Ramulu

Applicant

VERSUS

Union of India & Others Respondents

For the applicant

M/s. Deepak Misra  
R. N. Naitik  
A. Deo,  
B. S. Tripathy  
P. Panda  
Advocates

For the respondents

Mr. Ashok Mohanty  
Standing Counsel  
(Rly. Administration)

...

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

...

JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of

the Administrative Tribunals Act, 1985, the petitioner prays to quash the order of punishment imposed on him by compulsorily retiring him <sup>from</sup> service.

2. Shortly stated the case of the petitioner is that while working as a Booking Clerk in Retang Railway Station, he, unauthorisedly remained absent from duty for about three months, and therefore, a disciplinary proceeding was initiated against him, and the disciplinary authority ordered removal of the petitioner from service. The appellate authority modified the quantum of penalty and ordered compulsorily retirement from service. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that the petitioner has been rightly punished because of misconduct and lack of devotion to duty on the part of the petitioner, which should not be interfered with - rather it should be sustained.

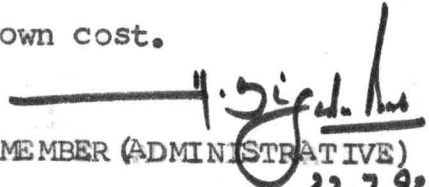
4. We have heard Mr. B. S. Tripathy, learned counsel for the petitioner and Mr. Ashok Mohanty, learned Standing Counsel. Even though Mr. Ashok Mohanty, learned Standing Counsel vehemently urged before us that in no circumstances lenient view should be taken over the petitioner, because, the petitioner as a Government servant was duty bound to either accept the Government order or to apply for leave - not having been complied with, the disciplinary authority and the <sup>appellate</sup> disciplinary authority were perfectly justified in holding that there was a lack of devotion on the part of the petitioner for not performing his duties properly; and therefore, the order of

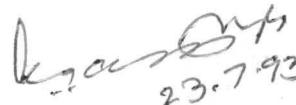
of conviction should be sustained. On the other hand Mr. Tripathy, learned counsel for the petitioner contended that the petitioner was ill and had been admitted in a Private Hospital at Khurda Road, and therefore, the petitioner had a genuine difficulty to attend the duties. We cannot accept the contention of Mr. Tripathy that due to illness, the petitioner could not attend his duties, because, the petitioner was free to send a letter by Regd. Post to the concerned authority to grant him leave. There has been definitely a lack of proper discharge of duties on the part of the petitioner, which is not expected from any Government servant. Keeping in view the nature of charge, which we feel not to be very serious in nature, and since it does not involve <sup>any</sup> ~~moral torpitude~~, we feel that another chance should be given to the petitioner to improve his conduct. In case the authorities find that there <sup>has been</sup> ~~was~~ no improvement in the conduct of the petitioner, the authority would be at liberty to take drastic action against the petitioner. Subject to this observation, the punishment order dated 14.8.1990 contained in Annexure-1 is hereby quashed, and the petitioner is exonerated from the charge. The petitioner should be reinstated to service with effect from the date on which he was compulsorily retired within seven days from the date of receipt of a copy of this judgment. So far as return of retiral monetary benefits drawn by the petitioner is concerned, the concerned authority would pass necessary orders keeping in view the hardships, which would be <sup>as done in the case</sup> ~~undertaken~~ by the petitioner.

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if he is required to pay back lump sum at a time. Thus the application stands allowed leaving the parties to bear their own cost.

  
MEMBER (ADMINISTRATIVE)  
23.7.93.

  
23.7.93  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench: Cuttack  
dated the 23.7.1993/ B.K. Sahoo

