

(K. P. ACHARYA)
VICE CHAIRMAN

(2)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 162 OF 1993

Date of decision: June 23, 1994

Ananda Chandra Patnaik	...	Applicant
	Versus	
Union of India & Others	...	Respondents
For the Applicant	...	M/s. Devanand Mishra, Deepak Misra, R.N. Naik, A. Deo, D.K. Sahoo, Advocates.
For the Respondents	...	Mr. Ashok Mishra, Senior Standing Counsel (Central).

...

CORAM:

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN
AND
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

...

JUDGMENT

K.P. ACHARYA, V.C.

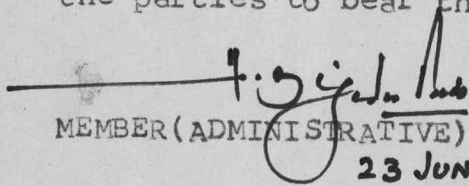
The Petitioner Shri Ananda Chandra Patnaik, has been punished on account of a charge levelled against him that he had entrusted a personal letter to an unauthorised person to be delivered to the addressee. As a final result of the disciplinary proceeding, the pay of the petitioner has been reduced by five stages. We have carefully gone through the evidence of record which gives rise to only a grave suspicion against the petitioner regarding his alleged misconduct. The Hon'ble Supreme Court has held in the case of ~~in the case of~~ Union of

India Vs. H.C. Goel reported in AIR 1964 SC 364 as follows:

"Though we fully appreciate the anxiety of the appellant to root out corruption from public service, we cannot ignore the fact that in carrying out the said purpose, mere suspicion should not be allowed to take the place of proof even in domestic enquiries. It may be that the technical rules which govern criminal trials in courts may not necessarily apply to disciplinary proceedings, but nevertheless, the principle that in punishing the guilty scrupulous care must be taken to see that the innocent are not punished, applies as much to regular criminal trials as to disciplinary enquiries held under the statutory rules".

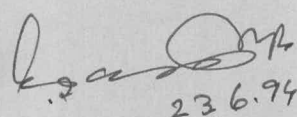
On a perusal of the evidence, since a ^{mere} ~~grave~~ suspicion arises in our mind, it would not be fit and proper to uphold the conviction on the basis of the dictum laid down by Their Lordships in the case of Union of India Vs. H.C. Goel (supra). Therefore, we would hold that this is a case of no evidence and we would hereby quash the order of punishment and the quantum of penalty imposed on the petitioner by the Opposite Parties.

2. Thus, the application stands allowed leaving the parties to bear their own costs.


MEMBER (ADMINISTRATIVE)

23 JUN 94

Central Administrative Tribunal,
Cuttack Bench/K.Mohanty/23.6.94.


23.6.94
VICE-CHAIRMAN