

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

ORDER DATED: 25<sup>th</sup> May /2004.

Applicant, a Deputy Field Officer(Tech.) of Aviation Research Centre, Charibatia, having been chargesheeted under Rule-16 of CCS(CCA) Rules,1965 (on the allegation that Shri H. K. Sahoo, DFO(T) applied for LTC advance to avail 4 year LTC (1998-2001) from Charbatia to Kanyakumari in respect of his family including his father (who expired in 1997) was visited with the punishment (under Annexure-A/5 dated 29th May, 2002) for reduction of his pay by two stages from Rs.6,900/- to Rs.6550/- in the pay scale of Rs.5500-175-9000/- (with immediate effect) for a period of three years without cummulative effect and without adversely affecting his pension. Against the said order, the applicant unsuccessfully carried the matter in appeal; which was ultimately rejected in order dated 30.7.2003. Hence this Original Application, with the prayers to quash the order dated 29.5.2002(Annexure-5) the appellate order dated 30.7.03(Annexure-6) and to direct the Respondents not to deduct any amount from the pay of the Applicant.

Respondents by filing the counter have stated that since the fault was admitted by the applicant during enquiry, there remains nothing except to impose the order of punishment under Annexure-5 and, on appeal, the appellate authority exhaustively, after going through the records, rejected the prayer of the applicant under Annexure-6.

They have therefore, explaining the circumstances leading to punishment <sup>imposed</sup> on the applicant, have prayed for dismissal of this O.A.

We have heard learned counsel for both sides, and perused the materials placed on record.

Learned counsel for the applicant neither in his Original Application nor during oral submission has drawn our attention that any of the provisions of the Rules had been violated by the Respondents while awarding the order of punishment ; nor has he pointed out that he has been denied any opportunity during the enquiry. He has only cavassed, during his submission, that since this was a genuine mistake committed by the applicant the order of punishment is highly disproportionate and needs interference.

It is seen from the record that the Appellate Authority exhaustively dealt into the prayer of the applicant. He had also considered this aspect of the matter in his order and rejected the prayer of the Applicant. We are also of the view that it is not a question proportionate or disproportionate of the punishment. Every Government servant has to act genuinely leaving no room of disbelief. By the conduct of the applicant it is seen that he had not acted ~~bonafide~~ and he wanted to defraud the Govt. Therefore, and, when it was detected, he immediately withdrew his application in respect of his father. Therefore, it cannot be said

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that the mistake was genuine and as such,  
the punishment imposed on the applicant is  
justified warranting no interference by this  
Tribunal.

In the said premises, we find  
no merit in this O.A.; which is accordingly  
rejected. No costs.

*John*  
Vice-Chairman

*John*  
Member (Judicial)