

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 594 OF 2010

Wednesday, this the 10th day of August, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

Lakshmanan K.K
Assistant Accounts Officer
Office of the Accountant General (A&E)
Branch Office, Thrissur
Residing at Pranamam, Aroma Garden
Puranattukara, Thrissur – 680 542

... Applicant

(By Advocate Mr. TCG Swamy)

versus

1. The Comptroller & Auditor General of India
Government of India, New Delhi
2. The Deputy Comptroller and Auditor General
Government of India, New Delhi
3. The Accountant General (A&E) Kerala
Thiruvananthapuram
4. Shri V Ravindran
Principal Accountant General (A&E)
Andhra Pradesh, Hyderabad

... Respondent

(By Advocate Mr. V.V.Asokan)

The application having been heard on 10.08.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

This OA is filed challenging the penalty order as confirmed in appeal. Annexure A-3 is the charge sheet and Annexure A-4 is the reply thereto. Not satisfied by the reply, he was imposed a penalty of reduction to a lower stage by one stage in the time scale of ₹ 6500-10500 for a

for

period of three years without cumulative effect with effect from 01.11.2007 and to treat 20.12.2006, 17.04.2007 and 06.09.2007 as dies non and not to count the same for any service benefits including pension. . The applicant participated in the dharna. The Appellate Authority by Annexure A-2 modified the order and substituted the penalty of withholding of one increment becoming due after issue of penalty order dated 24.10.2007 for two years without cumulative effect. The other direction to treat the days of absence viz., 20.12.2006, 17.04.2007 and 06.09.2007 as dies non, was vacated. Admittedly, it is not disputed that the applicant participated in dharna / demonstration and it is specifically alleged that he took part in dharna on 06.09.2007 at 12 noon and marched through the corridors in the office building. But the other charge that he shouted slogans which is in the nature of insubordination, tone and content is denied. No materials are relied on to confirm the charges against him of having proved. Thus the penalty imposed is liable to be interfered in so far as the other charges, viz., he shouted slogans, marched through the corridors should be taken as proved. The only sustainable charge that he participated in the dharna during office hours arises for consideration. Since the penalty imposed is comprehensively for the various charges, it is for the Disciplinary Authority to reconsider the issue.

2. We set aside Annexures A-1, A-2 and A-3 and remand the matter to the Disciplinary Authority for consideration on the question of punishment to be inflicted on the sole charge that he participated in the dharna on 06.09.2007 during office hours. The status quo as on today shall be maintained and will be subject to the final orders to be passed by the Disciplinary Authority. This shall be done as expeditiously as possible, at



any rate, within three months from the date of receipt of a copy of this order, failing which the benefits shall be restored to the applicant.

3. OA is allowed as above. No costs.

Dated, the 10th August, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

VS