

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

Original Application No. 319 of 2006

ORDER RESERVED ON :24.03.2017

ORDER PRONOUNCED ON: 03.07.2017

HON'BLE MR. JUSTICE V.C.GUPTA MEMBER (J)

HON'BLE MR. O.P.S.MALIK, MEMBER (A)

Zahid All Warsi, aged 57 years,
Son of Late Noor Moihd. Khan,
Resident of Village and Post Meha Harhangpur
Via Pathardeva, P.S. Baghouch Ghat,
District Deoria,
At present residing at C-3357, Mini LIG
Rajajipuram, Lucknow.

Applicant

By Advocate: Sri Atul Kumar Singh.

VERSUS

1. Union of India through Secretary,
Ministry of Post, Department of Post
Dak Bhawan, New Delhi.
2. Chief Post Master General U.P.
Circle Lucknow.
3. Post Master General,
Gorakhpur.
4. District Postal Services,
Gorakhpur.
5. Senior Superintendent of Post Officers,
Dearia.

Respondents

By Advocate: Sri G. K. Singh is adjournment.

ORDER

By Hon'ble Mr. Justice V. C. Gupta, Member (J)



By means of this O.A. the applicant sought the following reliefs:

"(i) to issue order or direction thereby quashing the impugned order dated 30.12.1988/3.1.1989 contained in Annexure No. 1 to this application.

(ii) to issue order or direction directing quashing impugned order dated 24.9.2001, 17.10.2002 and 19.7.2005 as contained in Annexure No. 2,3, and 4 to this application.

iii) to issue order or direction directing the respondents to reinstate the applicant on the post of Extra Departmental Branch Post Master ignoring the impugned order dated 30.12.1988/3.1.1989.

iv) To issue order or direction directing the respondent to pay the salary and with all consequential benefits.

v) To pass such any other order or direction which is deemed just and proper in the circumstances of the case."

2. The brief facts giving rise to this O.A. are that the applicant was employee as Extra Departmental Branch Post Master, Meha Harhangpur District Deoria. One Sri Kaushal Kishore was also posted as EDMP in the same post office. As per pleadings of the applicant, one dockyard Bombay insured letter No. 188 of 13th April 1987 of value of Rs. 6000/- address to one Sri Gulli Sharma was received on 16.4.1987 at the post office. The applicant entered the receipt of the said insured letter in postman notice delivery book and directed Sri Kaushal Kishore, working as daily agent, to intimate Shri Gulli Sharma about this insured letter. Sri Gulli Sharma was informed on the same day by Sri Kaushal Kishore and taking thumb impression from Gulli Sharma on 18.4.1987 as an acknowledgement. On 19th April being Sunday, the post office was closed. From 20th April 1987 to 22nd April 1987, Shri Gulli Sharma did not turn up to take delivery of the insured letter. He came in the post office on 23rd April 1987 to take delivery of the insured letter after completing the formalities and entering into the relevant records. The insured letter was delivered to Sri Gulli Sharma who accept the same after full satisfaction without making any complaint. Sri Gulli Sharma made a complaint on 24th April 1987 regarding short receipt of Rs. 2000/- from the insured letter delivered to him. In complaint, it has also been mentioned that the letter was delivered on 24th April 1987 in a tampered stage wherein, 16 blank papers were kept along with 40 notes of the denomination of Rs. 100/-. On the basis of the complaint, an enquiry was initiated and one Ram Sabad, Sub Divisional Inspector Post Office conducted the preliminary enquiry and the allegations were found correct. An FIR was also lodged against the applicant u/s 409,420 IPC but final report has been submitted by the Police in this matter for want of evidence. The final report was accepted after considering the affidavit filed by Sri Kaushal Kishore indicating therein that he was not present at the time of delivery of insured letter to Sri Gulli Sharma in the post office and he simply informed about the receipt of insured letter in the post office to Gulli Sharma on 18.4.1987.

2. The applicant was put off Duty. A departmental inquiry was also initiated against the applicant. The Memo of charges containing the charge levelled against the applicant is extracted here in below:

उपबन्ध 1

श्री जाहिद अली वारसी भूतपूर्व शाखा डाकपाल मेहाहरहंगपुर के विरुद्ध विरचित आरोपों के अनुच्छेद का विवरण।

अनुच्छेद 1

श्री जाहिद अली वारसी शाखा डाकपाल मेहाहरहंगपुर के पद पर दिनांक 20.02.73 से 14.5.87 की अवधि में कार्य करते हुए डाकयार्ड (बम्बई-10) बीमा पत्र संख्या 188 दिनांक 13.4.87 वास्ते रु० 6000/- के वितरण के सम्बन्ध में शाखा डाकघर नियमावली के नियम 10 व 97 एवं अतिरिक्त विभागीय एजेण्ट (आचरण एवं सेवा) नियमावली 1974 के नियम 17 का उल्लंघन किया।

उपबन्ध 2

श्री जाहिद अली वारसी भूतपूर्व शाखा डाकपाल मेहाहरहंगपुर के विरुद्ध विरचित आरोपों के अनुच्छेद के समर्थन में अवचारों व कदाचारों के लक्षणों का विवरण।

अनुच्छेद 1

डाकयार्ड बीमा पत्र संख्या 188 दिनांक 13.4.87 कीमत रु० 6000/- प्रापक श्री गुल्ली शर्मा ग्राम -शामपट्टी पो-मेहाहरहंगपुर (पथरदेवा) देवरिया को लेखा कार्यालय पथरदेवा से शाखा डाकघर परची दिनांक 18.4.87 पर दर्ज होकर श्री जाहिद अली वारसी शाखा डाकपाल ने प्राप्त किया। बीमे का वनज 70 ग्राम श्री जाहिद अली वारसी शाखा डाकपाल ने सत्यापित किया और शाखा डाकघर परची पर सत्यापन का हस्ताक्षर तारीख सहित किया। बीमे की नोटिस श्री कौशल किशोर श्रीवास्तव ई०डी०एम०पी० को दिनांक 18.4.87 को जारी किया और उसने उसी दिन प्रापक श्री गुल्ली शर्मा को वितरित कर दिया। प्रापक श्री शर्मा के दिनांक 20.4.87 से 23.4.87 तक डाकघर मेहाहरहंगपुर बीमा पत्र प्राप्त करने हेतु बराबर आने के बावजूद भी शाखा डाकपाल ने वितरण नहीं किया, और बहाना करके टालते रहे। इसकी पुष्टि प्रापक श्री गुल्ली शर्मा ने अपने बयान दिनांक 5.5.87 में किया है। दिनांक 24.4.87 को शाखा डाकपाल ने अतिरिक्त विभागीय डाक वाहक श्री कौशल किशोर श्रीवास्तव को भेजकर पुनः प्रापक श्री शर्मा को बुलवाया। इसकी पुष्टि श्री श्रीवास्तव ने अपने लिखित बयान दिनांक 5.5.87 में किया है। दिनांक 24.4.87 को पुनः श्री शर्मा प्रापक के उपस्थित होने पर शाखा डाकपाल ने खिड़की रजिस्टर पर बीमा स्वयं न चढ़ाकर अतिरिक्त विभागीय डाक वाहक श्री श्रीवास्तव से लिखवाया एवं प्रापक को वितरण से पूर्व बीमा नहीं दिखाया। प्रापक से पावती रसीद लेने के बाद बीमा पत्र प्रापक को दिया जिसकी सीले छेड़-छाड़ की गई, बीमा कवर पर जलने का निशान एवं अंतर्वस्तुओं में से रु० 2000/- बीमा खोलने पर प्राप्त नहीं हुई और प्रापक को रु० 2000/- की जगह 16 कागज के टुकड़े प्राप्त हुए। बीमा वितरण के समय शाखा डाकपाल ने ऐसे व्यक्तियों से गवाही लिया है, जिन्हें प्रापक ने बयान में पहचानने से स्पष्ट नकारा है। बीमा के प्रापक श्री शर्मा ने बीमा वितरण तिथि 24.4.87 बताया और इसकी पुष्टि अतिरिक्त विभागीय डाक वाहक श्री श्रीवास्तव ने भी किया परन्तु शाखा डाकपाल ने वितरण परची, एवं खिड़की रजिस्टर में उपरिलेखन किया और वितरण तिथि 23.4.87 दर्शाया। शाखा डाकपाल ने अपने दैनिक लेखा दिनांक 23.4.87 में बीमे को न तो अमानत में दिखाया न ही वितरण दिखाकर पावती भेजा जिसकी चुनौती उप लेखा सहायक श्री सी०वी० शुक्ल ने शाखा डाकघर परची दिनांक 24.4.87 द्वारा किया। शाखा डाकपाल ने दिनांक 24.4.87 को बचाव के लिए दिनांक 23.4.87 की संशोधित दैनिक लेखा बनाकर बीमा सं० 188/6000 के बजाय 180/6000 दर्शाया। जिसे पुनः उप लेखा सहायक द्वारा शाखा डाकघर परची दिनांक 25.4.87 में लिखा गया। बीमा में प्राप्त नोट सं० 8एफ क्यू 167-818(एक सौ रु० की) एवं कागज टुकड़े में बने नत्थी के सुराख में जाँच के दौरान उप मण्डलीय निरीक्षक द्वारा दशमलव 3 सेमी० का अन्तर पाया गया।

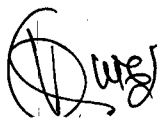
जाँच अधिकारी श्री राम शब्द मिश्र उ०प्र० डाक निरीक्षक पूर्वी ने वनज की जाँच किया तो बीमे का वनज 57 ग्राम पाया गया। जबकि सौ सौ के साठ नोट रखकर बीमे का वनज 70 ग्राम स्वीकारा गया।

आरोपित है कि शाखा डाकपाल श्री जाहिद अली वारसी ने बीमा पत्र के प्रापक को दिनांक 20.4.87 से 23.4.87 तक वितरण नहीं किया और उसे परेशान करते रहे और बीमा का वितरण सही ढंग से नहीं किया, फलस्वरूप विभाग को रु० 2000/- की क्षति हुयी।

उपबन्ध 3

उन प्रलेखों की सूची जिनके आधार पर आरोप सिद्ध किये जाने हैं:-

1- कवर डाकयार्ड बीमा पत्र सं० 188 दिनांक 13.4.87 वास्ते रु० 6000/- एवं कागज के टुकड़े 16 अदद।



- 2- शाखा डाकघर मेहाहरहंगपुर का पी0ओ0 जर्नल दिनांक 18.4.87 से 23.4.87
- 3- खिड़की वितरण रजिस्टर दिनांक 23.4.87 मेहाहरहंगपुर शाखा डाकघर
- 4- ई0डी0एम0पी0 का वितरण रजिस्टर दिनांक 18.4.87 मेहाहरहंगपुर।
- 5- शाखा डाकघर पर्ची दिनांक 18.4.87 मेहाहरहंगपुर शा0 डा0
- 6- शाखा डाकघर मेहा के शाखा डाकघर पर्ची पर दिये गये चुनौतियों की प्रति दिनांक 24.4.87 व 25.4.87
- 7- शाखा डाकघर दैनिक लेखा दिनांक 23.4.87 मेहाहरहंगपुर
- 8- वितरण पर्ची बीमा पत्र सं0 188/6000 मेहाहरहंगपुर
- 9- नोट सं0 एफ व्यू 167 818 जो बीमे में प्राप्त हुआ
- 10- लिखित बयान श्री गुल्ली शर्मा ग्राम शाम पट्टी पोस्ट- मेहाहरहंगपुर
- 11- लिखित बयान श्री कौशल किशोर श्रीवास्तव ई0डी0एम0पी0 मेहाहरहंगपुर दिनांक 5.5.87
- 12- लिखित बयान श्री जाहिद अली वारसी शाखा डाकपाल मेहाहरहंगपुर दिनांक 5.5.87

उपलब्ध 4

उन गवाहों की सूची जिनके आधार पर आरोप सिद्ध होने हैं:-

- 1- श्री रामशब्द मिश्र उप मण्डलीय डाक निरीक्षक पूर्वी देवरिया।
- 2- श्री कौशल किशोर श्रीवास्तव ई0डी0एम0पी0 मेहाहरहंगपुर (पथरदेवा)
- 3- श्री गुल्ली शर्मा ग्राम-शामपट्टी पो0-मेहाहरहंगपुर जि0 देवरिया।
- 4- श्री सी0बी0 शुक्ल डाक सहायक पथरदेवा।

3. The reply has been submitted by the applicant and after conducting the inquiry, the enquiry officers submitted report in favour of the applicant. But the disciplinary authority disagreed with the findings recorded by the inquiry officer, proceeded further and the applicant was dismissed from service vide order dated 30.12.88/3.1.1989. The appeal was preferred against the order of dismissal, but the same was also dismissed on 12th February 1990. The review filed against the aforesaid orders was also dismissed on 19th November, 1990. Aggrieved by the aforesaid orders, the applicant preferred O.A. No. 50/1991 before this Tribunal. This O.A. was allowed and the matter was remanded. The relevant para 6 and 7 of the judgment are extracted herein below:

"6. During the course of arguments, the learned counsel of the applicant submits that the applicant was not given a reasonable opportunity to defend his case. He submitted that the disciplinary authority had not forwarded a copy of the inquiry report along with a note of dis-agreement with the findings of the enquiry officer and the applicant was denied an opportunity of making a representation against the punishment proposed to be imposed by the disciplinary authority. The disciplinary authority had dis-agreed with the findings of the enquiry officer's report and passed an order on the back of the applicant. The learned counsel for the applicant has also drawn our attention to the order of dismissal passed by the respondents. On perusal of the dismissal order dated 30.12.88/3.1.89, we find that the disciplinary authority had taken into account of certain complaints against the applicant of earlier period, which did not form part of the charge sheet. The relevant part of the punishment order is as under:

"इसके पूर्व भी आरोपित कर्मचारी को रु0 800/- के गबन के मामले में इस कार्यालय के ज्ञापन सं0 एफ-2/कै0/76-77 दिनांक 29.1.77 द्वारा भी कार्य विलग किया था तथा जॉच में आरोप सिद्ध भी पाये गये तथा दि0 24.5.83 को सरकारी क्षति की वसूली कर्मचारी के भत्ते से करने का आदेश दिया गया था तथा यह चेतावनी कड़ी रूप में दी गयी थी कि श्री वारसी भविष्य में इस प्रकार का अवसर नहीं प्रदान करेंगे। परन्तु वे अपनी गवन युक्ति कार्य पद्धति में सुधार न कर पुनरावृत्ति ही किये। इस प्रकार



कर्मचारी का पूर्व कार्य प्रणाली एवं चरित्र संतोष-प्रद नहीं रहा है। उसकी कार्यपद्धति गवनयुक्त होने से विभागीय तथा जनहित में नहीं है।”

7. After perusal of the above paragraph of the dismissal order, it is clear that the disciplinary authority had taken into account the charges against the applicant which did not form part of the charge sheet. It appears that the disciplinary authority had not annexed any document which relates to the earlier period and formed part of the enquiry. It further shows that the applicant was not given an opportunity to controvert those charges, which is against the principles of natural justice. It is an established law by the apex court that the disciplinary authority cannot take into consideration the allegations for which the applicant has not been given an opportunity of hearing, while passing the punishment order. On this ground along, the orders of the disciplinary authority, appellate authority and review authority are liable to be quashed and are quashed. The case is remitted back to the disciplinary authority to pass fresh order of punishment in accordance with the rules and regulations after giving due opportunity of hearing to the applicant.”

4. Thereafter, a fresh notice was issued in pursuance of the order passed by the Tribunal to the applicant on 7.8.2001. After considering the reply of the applicant, a fresh order of dismissal was passed on 24.9.2001 by the disciplinary authority. The appeal and revision preferred by the applicant against the order of dismissal, but were also dismissed by order dated 17.10.2002 and 19.7.2005 respectively. Aggrieved by the aforesaid orders, the applicant preferred the present O.A.

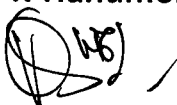
5. The counter affidavit has been filed by the respondents supporting the impugned orders and stated that this court cannot act as a court of appeal. There is sufficient material on record to substantiate the finding recorded by the disciplinary authority, which were confirmed by the appellate authority and by the revisional authority. It was further contended that the statement recorded of Kaushal Kishore in the inquiry proceedings has not been totally discarded. The evidentiary valuation of the same has been taken into consideration. His statement in inquiry proceedings that he went to call Gulli Sharma on 24th April 1987 was accepted. In the statement given by him in the form of affidavit in the criminal court he categorically stated therein that Zahaid Ali took him to the court where the Advocate prepared the affidavit and he signed on it. He stated that he could not remember the earlier statement given by him but he accepted to give the statement to the inquiry officer. He also admitted his mistake in giving the affidavit before the court. It is also a fact that certain manipulation were made in the official record to anti date the delivery of insured letter containing only 40 currency notes of denomination of Rs. 100/-. The disciplinary authority gone through the material available on record and arrived its own finding which cannot be said to be perverse and cannot be interfered

6. Rejoinder has been filed by the applicant reiterating the averments made in the O.A.

7. Thereafter, supplementary affidavit has also been filed by the applicant.
8. An application was moved by the applicant to summon the record of O.A. 50 of 1991. The Tribunal is of the view that summoning the record of OA No.50 of 1991 is not at all required. The applicant himself brings on record all the relevant documents. No relevancy of record of OA.No.50 of 1991 has been disclosed for deciding the present O.A.. The case is old one. Consequently the application to summon the record of OA No.50 of 1991 is rejected.
9. The counsel for applicant was heard and perused the record. The counsel for respondents was not present on the date of hearing so he was granted a weeks' time to file written arguments but no written arguments has been filed.
10. At the very outset, it would be necessary to mention that the order of dismissal dated 30.12.1988/3 1.1989 is not in existence after decision of O.A. No. 50 of 1991.
11. The main contention of the counsel for the applicant is that the statement of Kaushal Kishore which has been given in the preliminary inquiry cannot be relied upon. The statement which has been given by him in the preliminary enquiry was taken into account to punish the applicant which is against the law and is not permissible. He also challenged the order on the ground that the complaint given by Sri Gulli Sharma is not signed by him. It is fake complaint and the enquiry conducted thereon, is of no use. The learned counsel for the applicant further pointed out that the statement of Kaushal Kishore in the preliminary enquiry was recorded behind the back of the applicant. Hence, the same cannot be taken onto consideration. The enquiry officer rightly concluded that no charge is made out and the decision taken by the disciplinary authority contrary to that is not sustainable.
12. In **Union of India Vs. Sardar Bahadur, (1972) 4 SCC 618** the Hon'ble Supreme Court ruled that the court has no concern to decide whether the punishment imposed on charges held proved in the departmental proceedings, provided it is justified by the Rules, is appropriate having regard to misdemeanour ultimately established.
13. In **Union of India Vs. Prema Nanda, (1989) 2 SCC 177= AIR 1989 SC 1185** it has been held by the Apex Court that Tribunals have no jurisdiction to interfere with the finding of inquiry officer or competent authority or penalty where they are not arbitrary or utterly perverse, to substitute their own discretion for that of the authority. Their Lordships of Supreme Court unequivocally stated that the jurisdiction of Tribunal to interfere with the disciplinary matters or punishment cannot be equated with an appellate jurisdiction. The Apex Court cautioned the Tribunals that it should be remembered that power to impose penalty on a delinquent officer is conferred on the competent authority either by an Act of legislature or Rules made under the proviso to Art. 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice what punishment would meet the end of justice is a

matter exclusively within the jurisdiction of the competent authority. If the penalty can lawfully be imposed and is imposed on the proved misconduct, the Tribunal has no power to substitute its own discretion for that of authority or to interfere with the penalty, if the conclusion of inquiry officer or of the competent authority is based on evidence even if some of it is found irrelevant or extraneous to the matter or if the adequacy of punishment is not based on mala fide.

14. In **State Bank of India Vs. Samendra Kishore Endow, (1994) 2 SSC 537** the Hon'ble Supreme Court held that if the punishment is harsh or disproportionate to the proved misconduct it may be open to the Appellate Authority to interfere with it but not to the High Court or Administrative Tribunal for the reason that the jurisdiction of the Tribunal is similar to the powers of High Court under article 226. The Power under Article 226 is of judicial review and not of appeal. In this case the Supreme Court observed that the punishment of removal in the instant case may be harsh but this is a matter which the disciplinary authority or the Appellate Authority should consider and not the High Court or Administrative Tribunal.
15. In **Govt. of A.P. vs. B Ashok Kumar, (1997) 5 SCC 478**, the Hon'ble Supreme Court held that imposition of penalty is the right of disciplinary authority and the Tribunal has no power to direct to reconsider the matter by proposing a lesser penalty.
16. In **N. Rajarathinam Vs. State of Tamil Nadu, (1996) 10 SCC 371**, the Hon'ble Supreme Court held that while making decision to impose the penalty of dismissal, if the findings of disciplinary authority on proved charge or charges are based on some evidence and that preponderance of probability did establish the charge or charges on the basis of evidence of one witness (PW-1) though other 17 witness turned hostile and Government accepted the report, it could not be said that it is based on no evidence. It has been further observed that Evidence Act has no application in disciplinary proceedings. The disciplinary authority, if after taking the totality of all the facts and circumstances into consideration, it is for the authority to take a decision keeping in view the discipline in the service. In such situation, the fact that there was no allegation of misconduct against the officer during his earlier career does not mean that proved allegation is not sufficient to impose the penalty of dismissal.
17. In **Canara Bank Vs. V.K.Awasthy, (2005) 6 SCC 321**, the Hon'ble Supreme Court in the given case found that on proved charges it is clearly established that charged officer failed to discharge his duties with utmost integrity, honesty, devotion and diligence and his acts were prejudicial to the interest of the bank, the penalty of dismissal awarded by disciplinary authority and affirmed by the appellate authority after giving due consideration and after analyzing the material on record, found that taking a different view by High Court regarding violation of natural justice and quantum of penalty would not be sustainable and set-a-side the finding of High Court.
18. In a recent judgment the Apex Court in **CEO Krishna District Cooperative Central Bank Vs K Hanumontha Rao, (2017) 2 SCC 528**, held



that nature of punishment to be awarded against delinquent is the prerogative of Disciplinary Authority. The Court while exercising jurisdiction of judicial review cannot act as court of appeal. Only on doctrine of proportionality, where punishment awarded by Disciplinary Authority found wholly disproportionate so as to shock conscience of Court the Court can interfere but cannot impose particular punishment even in those cases where the penalty is disproportionate. In such situation the only course is to remand the matter.


19. The Hon'ble Supreme Court in **Allahabad Bank Vs Krishna Narain Tiwari, (2017) 2 SCC 308** held that only under the following cases the finding of fact awarding penalty/ punishment can be interfered;

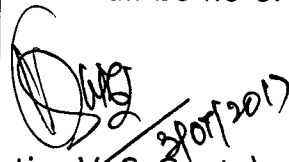
- i) If finding is unsupported with evidence, or
- ii) Are such, as no reasonable person would arrive at a conclusion as of Disciplinary Authority, or
- iii) If inquiry itself for violation of principles of natural justice, or
- iv) Where the Authority has not applied its mind, or
- v) Where the Authority has not assigned reasons for its conclusion.

20. Taken into consideration the legal aspect of the matter, we have examined the material on record. It is not the case where it could be said that there is no evidence against the applicant. The material which has been relied upon by the disciplinary authority is available on record. The statement of Sri Kaushal Kumar given in the inquiry proceedings against which opportunity of cross examination was given to the applicant, contains a statement that he went to call Sri Gulli Sharma on 24.4.1987 on behest of the applicant and he came on the same date, but insured letter was not delivered in his presence. This statement is corroborated with earlier statement given by the applicant in the preliminary enquiry. As such, this statement cannot be disbelieved and has rightly been taken into consideration by the Disciplinary Authority. Merely because there is no signature or thumb impression on the complaint of Gulli Sharma the inquiry cannot be thrown out, especially when he admits in the inquiry proceedings that he gave the application / complaint and he acknowledged the same and after seeing during inquiry proceedings categorically stated that he gave it. He also admitted before enquiry officer that he could not append his signature/thumb impression. In view of acknowledgment of Sri Gulli Sharma that he gave the complaint, proves that complaint has been given by him. Keeping in view of the statement given by Sri Kaushal Kumar that he want to call Sri Guli Sharma on 24.4.1987, leave no room to doubt that insured letter was handed over to Sri Gulli Sharma on 24.4.1987 and not on 23.4.1987. If the letter was delivered on 23.4.1987 as stated by the applicant there was no occasion to call Sri Gulli Sharma on 24.4.1987 through Sri Kaushal Kishore. It is also on record that the applicant manipulated the record by changing the date of receipt of insured letter. The applicant by making incorrect entries also made interpolations in the record which is established from the record itself as well as by persons examined in inquiry who submitted the documents.

21. It is well settled that discretion exercised by the disciplinary authority while awarding the punishment cannot be interfered. This Tribunal is of the view that the misconduct which is proved against the applicant is serious in nature. Hence it cannot be said that the punishment is disproportionate to prove misconduct. The order of dismissal passed by the disciplinary authority affirmed by the appellate authority and revisional authority need not be interfered with.

22. The petition lacks merit and is dismissed. There shall be no order as to cost.


(O.P. S. Malik)
Member (A)


(Justice V. C. Gupta)
Member (J)

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