

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE

ANo 1453/86 (A)

Order Sheet (contd)

Date	Office Notes	Orders of Tribunal
24/12/86	<p>Notice of date of hearing communicated through their advocates on 18.12.86. Post office band on 18.12.86. Notice of hearing on 18.12.86. Date 26/12/86</p>	
25/12/86	<p>Notice issued to the parties through their advocates intimating the date of next hearing on 18.12.86.</p> <p><i>D DMD</i></p> <p>Respondent has filed reply to application is added to file.</p> <p><i>A Star</i></p>	<p>None present for the applicant. Shri M.S. Padmarajaiah for the respondents. Shri Padmarajaiah prays for time for getting instructions. Adjourned to 23.1.87. Notice may be sent to the applicant and his Counsel enthalas</p> <p><i>AS 18/12</i></p>
22.12.86	<p>Notice issued to both Applicant and his counsel intimating date of hearing on 22/12</p> <p><i>A 22/12</i></p>	

against the applicant was established. On the basis of the finding recorded by the I.O. which was concurred in by the disciplinary authority (SSPO), an order imposing penalty of removal from service was passed against the applicant. The applicant did not avail of the provision for appeal and instead he filed a revision petition to the P&T Board, New Delhi (Respondent 2) which was rejected. Aggrieved by the orders passed by the Respondents, the applicant has filed this application.

2. On a perusal of the record and the reply filed on behalf of the respondents, we are satisfied that the finding arrived at by Respondent 1, which was confirmed by Respondent 2, does not suffer from any legal infirmity. We, therefore, see no reason to differ and, accordingly, we hold that the charge levelled against the applicant is established.

3. Shri M. Raghavendrachar, learned counsel for the applicant pleads for reduction of penalty imposed on his client, which according to him is disproportionate to the gravity of the alleged misconduct. Shri M.S. Padmarajaiah vehemently opposes this plea.

4. In BHAGAT RAM V. STATE OF H.P. 1983 SCC (L&S) 342 the Supreme Court has laid down that penalty disproportionate to the gravity of the misconduct would be violative of Article 14 of the Constitution of India. Applying the ratio of this decision to the facts of the present case, we are satisfied that the penalty imposed by the Respondents on the applicant merits reduction.

5. We, therefore, direct Respondent 1 to impose a penalty

CJ

on the applicant, other than dismissal and removal from service, commensurate with the guilt, taking into account the facts and circumstances of the case, within one month from the date of receipt of this order.

6. In the result the application is partly allowed.

No order as to costs.

Ch. K. M. B. S. 26.2.87

MEMBER (J)

Ch. K. M. B. S. 26.2.87

MEMBER (A)

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