

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Application No. 670, 671, 677, 678 &

Dated the ~~17~~^{or Nov}, 86.

To

709186 (T)

WP Nos: 1015/81, 1028/81, 1017/81, 1016/81, 2980/81

1) Sri. K. Krishna,
Working as Clerk,
Tappal Section,
Accountant General's
Office, Main Building
Bangalore.

Applicant in A No 670186(T)

2) K. Puttala Lakshmaiah,
Working as Clerk Tappal
Section Main Building
Account General's Office. Blouse

Applicant in A No 671/86 CT

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO. 670, 671 677 6

A decorative separator consisting of four asterisks arranged horizontally.

Please find enclosed herewith the copy of the Order passed by this Tribunal in the above said Application on 23 Sept 1986.

SECTION OFFICER
(Judicial)

9/10

Encl: As above.

Copy to

Sp. 18. 1898
Dr. H. H. Fairchild
Washington, D. C. } R.
by John C. Merriam

[Komarovsky, R. K. Lee, Advocate, 11-1886]

Examination
of the
Advocacy
in 1966
in Hong

3) Sri K. Subba Rao

No 128, Cubbonpet Main Road
Bangalore 560002

Applicant Advocate

4) Sri N. Basavaraju

Addl Standing Counsel
for Central Govt
High Court Building
Bangalore 560001

Respondent Advocate

53) B.K. Duggadana Saiah
Working as Clerk E.S. IV
Stationery I. Office of
the Accountant General
Main Building Bangalore 1

Applicant in
No 677/86(T)

54) N. Venkatesan
Working as clerk,
Tappal Section,
Accountant General's
Office Main Building
Bangalore 1.

Applicant in
A NO 678/86(T)

55) R. Venkatesan
Working as clerk
F.P.S., Accountant General's
Office Main Building
Bangalore 1

Applicant in
A NO 709/86(T)

~~VS~~

56) The Comptroller & Auditor
General of India, New Delhi

57) The Accountant General,
Karnataka, Bangalore.

58) The Senior Deputy Accountant General (Administration) Office of the Accountant General, Bangalore -

Respondents

Advocate for Respondent

Orders of Tribunal

23.9.1986:

The charge levelled against the applicant by the 3rd respondent (R3) is that the claim preferred by him in respect of advance drawn by him for Leave Travel Concession for himself and his family members was fraudulent. The applicant practically admitted the charge in his explanation and requested for leniency. After considering the explanation, R3 passed an order imposing on the applicant the penalty of reduction to the post of peon from the post of Clerk which he was holding. This order was set aside by the High Court of Karnataka in W.P. No.10262 /78 giving liberty to the R3 to pass fresh orders imposing any other penalty. Thereupon, an order was passed by R3 reducing the pay of the applicant from Rs.314 to Rs. 284, in the timescale of pay of Rs. 260-400 for a period of 5 years w.e.f. 17.11.1977. On appeal, the 2nd respondent (R2) modified the above order by reducing the pay of the applicant for a period of 2 years w.e.f. 20.2.1980.

2. Shri Anandaramu, counsel for the applicant, submits, that his client is not aggrieved by the order passed by R2, but his grievance is that the High Court having permitted R2 to pass a fresh order, it could be done only once, but not repeatedly.

3. We find considerable force in the submission made by Shri Anandaramu. In fact, Shri N. Basavaraju, counsel for the respondents, could not satisfactorily explain how the annexures to the W.P., viz.,



Date	Office Notes	Orders of Tribunal
		<p>L, N, O, O-1, and Q, could be passed by the respondents, when the order of the High Court is very categorical and clear as to its scope and content.</p> <p>4. We, therefore, set aside all orders passed by the respondents, except the one passed by the 2nd respondent in appeal against the order passed by R3 the 3rd respondent.</p> <p>5. In the result, the application is allowed, to the extent indicated above.</p> <p style="text-align: center;">Sd/- Sd/- (L.H.A. REGO) (CH. RAMAKRISHNA RAO), 23.9.1986 23.9.1986. MEMBER (AM) MEMBER (JM)</p> <p>dms. - <i>Same copy</i></p> <p style="text-align: center;"><i>R. Jayaram</i> 11/1/86 SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p>