

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

By: Registered A/D

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

Application No. 670, 671, 677, 678 &

Dated the 4th ~~Oct~~ ^{Nov}, 86.

To

709/86(T)

(WP Nos 1019/81, 1028/81, 1017/81, 1016/81, 2980/81)

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

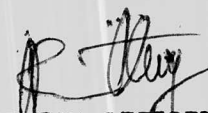
Applicant in ANo 670/86(T)

2) K. Putkalakshmaiah,
Working as clerk, Tappal
Section, Main Building,
Account General's Office, Blore

Applicant in ANo 671/86(T)

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO. 670, 671, 677, 678 & 709/86(T)

Please find enclosed herewith the copy of the Order ~~dated 23.9.86~~
passed by this Tribunal in the above said Application on 23, Sept 1986,


SECTION OFFICER
(Judicial)

Encl: As above.

Copy To

3) Sri K. Subbarao
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. Durgadanasaiiah
Working as Clerk E.S. IV
Stationery I. Office of
The Accountant General
Main Building Bangalore 1

Applicant in
No 677/86(T)

(4) N. Venkateshan
Working as clerk,
Tappal Section,
Accountant General's
Office Main Building
Bangalore 1.

Applicant in
A No 678/86(T)

15) R. Venkateshan
Working as clerk
F.F.S, Account General's
Office Main Building
Bangalore 1

Applicant in
A No 709/86(T)

~~VS~~

8) The Comptroller & Auditor
General of India, New Delhi;

9) The Accountant General,
Karnataka, Bangalore.

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

Respondent

22 11/14

Copy to file of A.N.S. 671, 677, 678 & 709/86(T)

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. ^{with permanent effect}

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

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.

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.

5. In the result, the application is allowed, to the extent indicated above.



Self
(L.H.A. REGO) (CH. RAMAKRISHNA RAO)
23.9.1986 23.9.1986.
MEMBER (AM) MEMBER (JM)

dms.

- File Copy
By 2/11/86
SECTION 11
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE