

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO: 1293/93

DATE OF DECISION: 28/02/2001

Shri V.N.Gulati

Applicant

Shri G.S.Walia

-----Advocate for  
Applicant.

Versus

Union of India

-----Respondents.

Shri M.I.Sethna

-----Advocate for  
Respondents.

Hon'ble Shri Justice Ashok Agarwal, Chairman.  
Hon'ble Smt. Shanta Shastry, Member(A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to  
other Benches of the Tribunal?
3. Library.

} No

  
(ASHOK AGARWAL)  
CHAIRMAN

abp

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO:1293/93  
DATED THE 28TH DAY OF FEB,2001

CORAM:HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Virinder Nath Gulati,  
S/O.Bhagwan Das Gulati  
49/1359, Adarsh Nagar,  
Bombay - 400 025.

... Applicant

By Advocate Shri G.S.Walia

V/s.

Union of India through the  
Secretary, Government of India,  
Department of Atomic Energy and  
Chairman, Atomic Energy Commission,  
OYC, Chatrapati Shivaji Maharaj Marg,  
Bombay - 400 001.

... Respondents.

By Advocate Shri Bhosle for  
Shri V.D.Vadhavkar for Shri M.I.Sethna

(ORAL) (ORDER)

Per Shri Ashok Agarwal, Chairman

In disciplinary proceedings conducted against the applicant, the disciplinary authority by the impugned order of 9/7/90 has imposed the penalty of reduction to the lower grade of SO/SD in the scale of pay of Rs.3000-100-3500-125-4500 and to fix the pay at the maximum of the grade at Rs.4500 with immediate effect till the date of his retirement from service. Aforesaid order of penalty was carried by applicant in review and the Review was disposed of by a detailed reasoned <sup>and</sup> speaking order <sup>which</sup> has affirmed the order of disciplinary authority.

2. The aforesaid order of the disciplinary authority has been issued based on the finding of the Inquiry Officer of 25/10/85, whereby the Inquiry Officer based on evidence placed before him has found certain charges not proved and certain

...2.

*Ref*

others proved. ~~Aforesaid finding of the Inquiry Officer as also~~  
the Aforesaid order of penalty has been issued after seeking the  
requisite advice from UPSC.

3. We have heard Shri Walia, the learned counsel appearing  
on behalf of the applicant and we have perused the relevant  
records and we find that the findings of guilty given by Inquiry  
Officer are based on evidence which was placed before him. All  
that Shri Walia, the learned counsel has sought to do in the  
present OA is to invite us to <sup>give</sup> a finding contrary to the one  
arrived at by Inquiry Officer and Disciplinary Authority.

4. We are afraid that this is not within the scope of the  
present proceedings as ~~it is~~ we are not a Court of appeal. It is  
not possible for us to intervene in this case.

5. Similarly, <sup>is the case in respect of</sup> the contention sought to be advanced by Shri  
Walia in respect of the quantum of penalty which has been imposed  
on the applicant. What penalty has to be imposed is certainly a  
matter for being decided by the disciplinary authority. The said  
penalty cannot be said to be <sup>unconscionably</sup> harsh and it is therefore not open  
for us to interfere in the present OA. The present OA in the  
circumstances, we find is devoid of merits and accordingly, the  
same is dismissed. No costs.

*Shanta Shastri*

(SHANTA SHASTRY)  
MEMBER(A)

*Ashok Agarwal*  
(ASHOK AGARWAL)  
CHAIRMAN

abp