

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 12.1.1994.

OA 831/92
(OA 241/91)

GANGARAM TAK ... APPLICANT.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.
HON'BLE MR. B.N. DHONDIYAL, MEMBER (A).

For the Applicant ... SHRI M.S. GUPTA.

For the Respondents ... NONE.

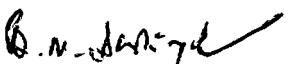
PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the applicant. The applicant has challenged the order Annexure A-1 dated 6.5.91 and the order dated 15.4.91. The applicant was issued charge-sheet in March, 1987 and after recording the evidence of the witnesses the enquiring authority submitted the report. The matter was referred for opinion of the Union public Service Commission and the Union Public Service Commission examined the matter in detail and tendered advice vide letter dated 31.1.91. After careful study the matter relating to the punishment to the retired person, it was decided that taking into account the overall gravity of the charges against Shri Tak, the President has accepted the advice tendered by the U.P.S.C. as to the quantum of cut to be made in the pensionary benefits admissible to Shri Tak. The President has decided that the entire pension admissible to Shri Tak should be withheld permanently.

2. Mr. M.S. Gupta, appearing on behalf of the applicant, has submitted, i) that it is a case of no evidence and ii) that the punishment awarded is arbitrary and perverse and the quantum should be reduced. Looking to the fact that the

applicant is aged about 65 years and he needs pension for his maintainance, as far as the first limb of the arguments is concerned, we have gone through the enquiry report and the opinion of the U.P.S.C. and other relevant record and we consider that it is not a case in which the Tribunal should substitute its opinion in place of the disciplinary authority. There is no arbitrariness or ^{or} perversity in the matter of finding of guilt. As far as the second limb of the case is concerned, Mr. Gupta submitted that it is only a matter of three tickets and the amount involved is not also very high. It is not a case of one ticket or two tickets or the involvement of the amount but it is question of system and unless the court take a stringent view in the matter, it will be very difficult to solve the problem of corruption, embezzlement and misconduct in the departments. We have gone through the order Annexure A-1 dated 15.4.91 and we are of the view that the quantum of punishment awarded cannot be said to be arbitrary or perverse.

3. We do not find any force in the OA and the same is dismissed accordingly.


(B.N. DHUNDIYAL)
MEMBER (A)


(D. L. MEHTA)
VICE CHAIRMAN