

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA No. 1040/92 : Date of order 26.8.94
(OA No. 439/88).

Abdul Sattar : Applicant

V/s

Union of India & Others : Respondents

Mr. Virendra Lodha : Counsel for the applicant

Mr. Praveen Balwada : Counsel for the respondents.

CORAM

Hon'ble Mr. Justice D.L. Mehta, (Vice-Chairman)

Hon'ble Mr. O.P. Sharma, Member (Administrative)

PER HON'BLE MR. O.P. SHARMA, MEMBER (ADMINISTRATIVE)

Shri Abdul Sattar in this application has prayed that orders (Annexure A-5) dated 27.10.87 by which penalty of removal from service was imposed and Annexure A-9 dated 10.6.88 by which penalty of compulsory retirement was imposed on the applicant by the Appellate Authority by modifying the earlier penalty of removal from service may both be quashed and the applicant may be reinstated in service.

2. The charge against the applicant was that he had left the country without permission of the Competent Authority. The charge was held as established and thereafter penalty of removal from service was imposed on him by the Disciplinary Authority by order dated 27.10.87 (Annexure A-5). The said penalty was modified by the Appellate Authority to that of compulsory retirement (Annexure A-9 dated 10.6.88)

3. We have heard the learned counsel for the parties and have gone through the records.

4. The charge against the applicant had been admitted by him. The charge is grave in nature and justifies the position of highest penalty imposed on the applicant. However, the Appellate Authority appears to have taken a lenient view of the matter and has modified the penalty already imposed by the Disciplinary Authority to that of compulsory retirement as a result of which the applicant is entitled to pensionary benefits etc. In the circumstances, we do not see

any ground for interference with the order of the Appellate Authority (Annexure A-5). The order of the Disciplinary Authority has already been superseded by the order of the Appellate Authority. The CA is, therefore, dismissed with no order as to costs.

(O.P. SHARMA)
MEMBER(A)


(D.L. MEHTA)
VICE CHAIRMAN