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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* *

O.A. 155/91.

Dt. of Decision : 26.4.1994.

T. Viswanadham

.. Applicant

Vs

1. Union of India rep. by
the Secretary,
Department of Telecommunications,
New Delhi - 110 001.
2. The Telecom Distt. Engineer,
Srikakulam - 532 050.
3. The Sub- Divisional Officer,
Telecom, Palasa-532 222. .. Respondents.

Counsel for the Applicant : Mr. C. Suryanarayana

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

O.A.No.155/91

Dt. of order: 26-4-1994

Judgement

(As per the Hon'ble Sri A.B. Gorthi, Member (A))

The grievance of the applicant arises out of the impugned order of penalty imposed by the Disciplinary Authority which was subsequently reduced by the Appellate Authority. Whereas the Disciplinary Authority imposed the penalty of withholding of one increment for two years, the Appellate Authority after having considered the appeal of the applicant reduced the penalty to that of withholding of one increment for one year. The applicant prays that the penalty be set aside with all consequential benefits.

2. The applicant had put in 19 years of unblemished service, when on 3-8-89 he was served with a charge memo. The charge alleged that, as the seniormost Operator looking after the ticket work, the applicant failed to report the loss of tickets on 24-4-89 and that as per the Log Book, there was no entry regarding the missing trunk call tickets. On that charge of negligent performance of duty, he was called upon to submit his explanation. The applicant gave a detailed explanation stating that he was not at all responsible for the loss of the tickets and that he hardly had the opportunity to deduct and report the loss on 24-4-89. Despite the elaborate statement of the applicant in defence of his charge, the Disciplinary Authority found him guilty and imposed the penalty. On his appeal, the Appellate Authority took a lenient view and reduced the punishment.

3. Heard learned counsel for both the parties.

4. Shri C. Suryanarayana, learned counsel for the applicant explained the various circumstances of the case in great detail to show that the applicant ought not to have been found guilty of the charge. We need not ~~reiterate~~ ^{reiterate} recapitulate all the various circumstances narrated in defence of the applicant. It ^{will} suffice to state that the various factors brought out in defence of the applicant were duly considered by the Disciplinary Authority, as also ~~the~~ ^{the} Appellate Authority. This is not a case where ~~we~~ ^{we} can come to the conclusion that there is no evidence at all to substantiate the finding of guilty ~~on~~ ^{of the} ~~this~~ charge. In view of this, it will be difficult for us, in an application of this nature, to reassess or to reevaluate the evidence and come to ~~the~~ ^a conclusion ^{different} ~~different~~ from that of the Disciplinary Authority. So long as the finding of the Disciplinary Authority is ~~held~~ ^{found} to be reasonable, not ~~prejudiced~~ ^{perverse} and is supported by the evidence on record, it is not for the Tribunal to interfere with the finding of the Disciplinary Authority.

5. ~~From~~ ^{On} the question of the penalty imposed, we find that it is not disproportionate to the gravity of the charge. In any case it cannot be said to be so ~~unconscionable~~ ^{as} to the warrant or interference.

6. During the course of arguments, as we were perusing the material before us, that the respondents, ~~have~~ ^{we found} in the Confidential Report of the applicant for the year 1989-90, endorsed an adverse entry stating that "he was issued charge sheet under Rule 16, and one increment was stopped for loss of tickets". There was nothing in the counter to explain ~~and~~ as to how and under what authority the minor penalty imposed upon the applicant was shown as an adverse remark

in the Confidential Report, that too for the year 1989-90 when in fact the Appellate Authority passed the final order on 15-4-90. In these circumstances, we direct the respondents to expunge the said remark from the CR of the applicant for the year 1989-90.

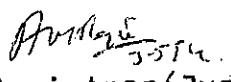
7. Subject to our above observations and directions, the ~~2. disposed, with~~ DA is ~~disposed,~~ and no order as to costs.


(T. Chandrasekhara Reddy)
Member (J)


(A.B. Gorthi)
Member (A)

Dt. 26-4-1994
Open Court dictation

kmv


Deputy Registrar (Judl.)

Copy to:-

1. Secretary, Department of Telecommunications, Union of India, New Delhi-001.
2. The Telecom Distt. Engineer, Srikakulam-050.
3. The Sub-Divisional Officer, Telecom, Palasa-222.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rem/-

04/05/94

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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(AD)
AND

THE HON'BLE MR.TCCHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMIN)

Dated: 26/4/1994

ORDER/JUDGMENT

O.A/R.A./C.A./No.

O.A.No.

in
155/94

T.A.No. (w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

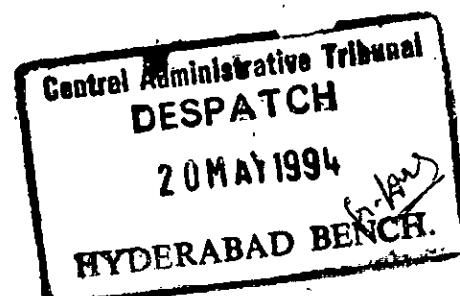
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



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