

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No. 1306/93

Date of Decision: 27.11.96

BETWEEN:

D. Muralidhar

.. Applicant

AND

1. Chief Engineer, M.E.S.,
Hyderabad Zone,
Parade Grounds,
Secunderabad-3
2. The Chief Engineer,
HQ Southern Command,
Pune-411 001.

Counsel for the Applicant: Mr. A. Prithvi Raj

Counsel for the Respondents: Mr. N.V. Ramana

CORAM

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

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JUDGEMENT

(Oral order per Hon'ble Shri B.S. Jai Parameshwar: Member (JUDL.))

Heard Sri A. Prithvi Raj, Learned Counsel for the applicant and Sri V. Rajeswar Rao for N.V. Ramana for the respondents.

The applicant has filed this OA praying this Tribunal to set aside the order No.10512/DM/LTC/79/E1C Dt.30.6.1992 (Annexure-I) page-34) by which the respondent No.1 imposed the penalty of stoppage of 3 annual increments with non-cumulative effect for a period of 3 years and also order No.130508/1/FY/442/E1D Dt.16.10.92 passed by the respondent -2 who confirmed the same penalty and for a further direction to the Respondent-1 to refund the amount with interest collected from the applicant and to restore the annual increments to him as a consequence.

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The applicant was working as U.D.C. in the office of the Chief Engineer, Hyderabad Zone, Secunderabad. During the Block period 1990-1993 (4 years) the applicant obtained an advance of Rs.14,150/- for availing rail leave travel concession for members of his family to visit Tinsukia, Assam and to perform the return journey. It is stated that after performing the journey he submitted the bill for Rs.11,029/- and repaid Rs.3,121/- to the department. However on verification the respondents found the claim to be false and a charge sheet was issued to him for claiming the bill as having traveled to Tinsukia without actually travelling to that place. After enquiry the inquiry officer recorded the finding of guilty on the applicant. Considering the report of the inquiry officer the respondent by his order Dt.30.6.92 imposed the penalty which reads as follows:

- (a) To return the Government the entire advance amount
- (b) Stoppage of 3 increments with non-cumulative effect for 3 years
- (c) To forfeit next LTC - One to home town and one to any other place in India.

He challenged the said penalty ^{unsuccessfully} in the appeal. Now he has filed this original application for above mentioned reliefs.

During the course of arguments the learned counsel for ^{the} applicant mainly stressed on the quantum of punishment awarded to him having regard to the fact that the Government has recovered the entire amount with interest. Further he submitted that stoppage of annual increments for a period of 3 years is ^{too} harsh ^a penalty. It is stated by him that the LTC for future years is also stopped.

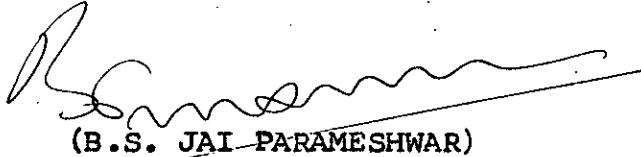
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Having regard to the fact that the Department has recovered LTC advance with interest we feel that reconsideration is necessary in regard to quantum of punishment. In view of the above the case is remitted back to the appellate authority to reconsider the quantum of punishment.

The applicant may also be given a personal hearing before deciding/before giving punishment.

With the above observation the OA is ~~posted~~ disposed off. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

27.11.96


(R. RANGARAJAN)
MEMBER (ADMN.)


Amritanandam
D.R. (3)

Date: 27TH NOVEMBER 1996
Dictated in the open court

KSM

9/12/96

Typed By
Compared byChecked By
Approved byTHE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

The Hon'ble Shri B.S.Jai Parameshwar
M(T)DATED: 27/11/26ORDER/JUDGEMENT
R.A/C.P./M.A.NO.in
O.A.NO. 1306/P

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLR

III COURT

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
इकाय/DESPATCH

18 DEC 1996 NSP

हैदराबाद न्यायपीठ
HYDERABAD BENCH