

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1076/96

dt.18-9-96

Between

U. Rajini : Applicant

and

1. Ordnance Factory Board  
Min. of Defence, rep. by  
Chairman/Director General of Ordnance Factories  
10-A, Auckland Road  
Calcutta 700001

2. The General Manager  
Ordnance Factory Project  
Min. of Defence, Eddumailaram  
Medak Dist. (AP) : Respondents

Counsel for the applicant : Nori and  
P. Naveen Rao, Advocate s

Counsel for the Respondents : V. Bhimanna, SC for Central  
Govt.

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

## Judgement

Oral order (per Hon. Justice Mr. M.G. Chaudhari, VC )

Heard Mr. Nori for Mr. P. Naveen Rao for the applicant.

1. The applicant was chargesheeted under Rule 14 of CCS(CCA) Rules, 1965 for gross misconduct viz. wilful neglect of duty by remaining unauthorisedly absent from duty continuously from 9-3-92 to 2-12-1992 and for failure to maintain devotion to duty and thus exhibiting conduct unbecoming of a Government servant. The applicant admitted his absence but contended that he had sent an application for leave from his residence on 9-3-1992 and had requested for extension of leave by telegram. According to him he had submitted the medical certificate (Fit and Unfit) after he joined duty on 3-12-92. Witnesses were examined on behalf of the Department at the inquiry and after duly considering the <sup>evidence</sup> ~~fitness~~ and the statement of the applicant, the inquiry officer held the charges proved. He held that although the applicant had intimated about his sickness on 9-3-1992 and 4-4-92 he had not sent any unfit medical certificate in support of his sickness as required under the prescribed procedure and therefore no cognizance of these communications could be taken. The disciplinary authority accepted the findings and imposed penalty of reduction of pay by two stages in the time scale with cumulative effect for a period of two ~~years~~ by order dated 6-1-1994. The said order has been confirmed by the appellate authority <sup>by</sup> order dated 28-7-95 which is a speaking order and <sup>deals</sup> ~~tallies~~ with the contention raised by the applicant which was not accepted.

2. The submissions of the learned counsel for the applicant are interalia that the penalty imposed is disproportionate to

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the misconduct alleged and would shock the <sup>conscience of</sup> ~~conscious of~~ the Court and the authorities had ignored the fact that the applicant was infact sick and therefore the charge could not be held <sup>to have been</sup> proved against him and that the order of punishment causes permanent disadvantage to the applicant.

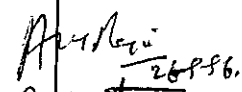
3. It is well established that the Tribunal cannot reappreciate evidences. The authorities below have found the evidences sufficient to hold the charges proved. We cannot say that the reasons adopted are perverse. On that ground therefore there arises no question of interference by this Tribunal. We also do not consider the penalty imposed to be so disproportionate as to be described as 'perverse'. May be that any other authority might have taken a lenient view and given a lesser punishment. That however cannot mean that only on the ground of quantum of punishment, the Tribunal may interfere. Proportionality of the punishment is not a question that is open to be gone into by the Tribunal. We are therefore of the view that no case is disclosed by the applicant on which the Tribunal can entertain the OA.

4. The OA is accordingly rejected.

  
(H. Rajendra Prasad)  
Member (Admn.)

  
(M.G. Chaudhari)  
Vice Chairman

Dated : Sept. 18, 96  
Dictated in Open Court

  
Deputy Registrar (D) cc

sk

O.A.1076/96

To

1. The Chairman/Director General of Ordnance Factories,  
Ordnance Factory Board, 10-A,  
Auckland Road, Calcutta-1.
2. The General Manager, Ordnance Factory Project  
Ministry of Defence, Eddumailaram,  
Medak Dist.A.P.
3. One copy to Mr.P.Naveen Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Bhimanna, SC for Central Govt. CAT.Hyd.
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19/10/96

I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 18-9 -1996

~~ORDER~~ / JUDGMENT

M.A./R.A./C.A. No.

in

O.A.No. 1076/96.

T.A.No.

(w.p. )

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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